

IC 31-19

ARTICLE 19. FAMILY LAW: ADOPTION

IC 31-19-1

Chapter 1. Jurisdiction Over Adoption Proceedings

IC 31-19-1-1

Sec. 1. Except as provided in IC 12-17-8, the adoption of a child who is born in one (1) state by a person in another state is subject to the Interstate Compact on the Placement of Children under IC 12-17-8.

As added by P.L.1-1997, SEC.11.

IC 31-19-1-2

Sec. 2. (a) This section applies to each Indiana county that has a separate probate court.

(b) The probate court has exclusive jurisdiction in all adoption matters.

As added by P.L.1-1997, SEC.11.

IC 31-19-2

Chapter 2. Filing of Petition for Adoption

IC 31-19-2-1

Sec. 1. (a) An individual who is at least eighteen (18) years of age may be adopted by a resident of Indiana:

- (1) upon proper petition to the court having jurisdiction in probate matters in the county of residence of the individual or the petitioner for adoption; and
- (2) with the consent of the individual acknowledged in open court.

(b) If the court in which a petition for adoption is filed under this section considers it necessary, the court may order:

- (1) the type of investigation that is conducted in an adoption of a child who is less than eighteen (18) years of age; or
- (2) any other inquiry that the court considers advisable;

before granting the petition for adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-2-2

Sec. 2. (a) A resident of Indiana who seeks to adopt a child less than eighteen (18) years of age may, by attorney of record, file a petition for adoption with the clerk of the court having probate jurisdiction in the county in which:

- (1) the petitioner for adoption resides;
- (2) a licensed child placing agency or governmental agency having custody of the child is located; or
- (3) the child resides.

(b) The county in which the petition for adoption may be filed is a matter of venue and not jurisdiction.

As added by P.L.1-1997, SEC.11.

IC 31-19-2-3

Sec. 3. (a) An individual who is not a resident of Indiana and who seeks to adopt a hard to place child may file a petition for adoption with the clerk of the court having probate jurisdiction in the county in which the:

- (1) licensed child placing agency or governmental agency having custody of the child is located; or
- (2) child resides.

(b) The county in which a petition for adoption may be filed is a matter of venue and not jurisdiction.

As added by P.L.1-1997, SEC.11.

IC 31-19-2-4

Sec. 4. (a) Except as provided in subsection (b), a petition for adoption by a married person may not be granted unless the husband and wife join in the action.

(b) If the petitioner for adoption is married to the:

- (1) biological; or
- (2) adoptive;

father or mother of the child, joinder by the father or mother is not necessary if an acknowledged consent to adoption of the biological or adoptive parent is filed with the petition for adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-2-5

Sec. 5. (a) Except as provided in subsection (b), a petition for adoption must be filed in triplicate.

(b) If a petition for adoption:

(1) requests a subsidy; and

(2) is sponsored by a licensed child placing agency;

the petition for adoption must be filed in quadruplicate.

(c) The original copy of a petition for adoption must be verified by the oath or affirmation of each petitioner for adoption.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.13.

IC 31-19-2-6

Sec. 6. A petition for adoption must specify the following:

(1) The:

(A) name if known;

(B) sex, race, and age if known, or if unknown, the approximate age; and

(C) place of birth;

of the child sought to be adopted.

(2) The new name to be given the child if a change of name is desired.

(3) Whether or not the child possesses real or personal property and, if so, the value and full description of the property.

(4) The:

(A) name, age, and place of residence of a petitioner for adoption; and

(B) if married, place and date of their marriage.

(5) The name and place of residence, if known to the petitioner for adoption, of:

(A) the parent or parents of the child;

(B) if the child is an orphan:

(i) the guardian; or

(ii) the nearest kin of the child if the child does not have a guardian;

(C) the court or agency of which the child is a ward if the child is a ward; or

(D) the agency sponsoring the adoption if there is a sponsor.

(6) The time, if any, during which the child lived in the home of the petitioner for adoption.

(7) Whether the petitioner for adoption has been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

and, if so, the date and description of the conviction.

(8) Additional information consistent with the purpose and provisions of this article that is considered relevant to the

proceedings, including whether:

(A) a petitioner for adoption is seeking aid; and

(B) the willingness of the petitioner for adoption to proceed with the adoption is conditioned on obtaining aid.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.6.

IC 31-19-2-7

Sec. 7. (a) A medical report of the health status and medical history of the child sought to be adopted and the child's birth parents must:

(1) accompany a petition for adoption; or

(2) be filed not later than sixty (60) days after the filing of a petition for adoption.

(b) The medical report must:

(1) include neonatal, psychological, physiological, and medical care history; and

(2) be on forms prescribed by the state registrar.

(c) A copy of the medical report shall be sent to the following persons:

(1) The state registrar.

(2) The prospective adoptive parents.

(d) This section does not authorize the release of medical information that would result in the identification of an individual.

As added by P.L.1-1997, SEC.11.

IC 31-19-2-7.5

Sec. 7.5. Every petitioner for adoption shall submit the necessary information, forms, or consents for:

(1) a licensed child placing agency; or

(2) the county office of family and children;

that conducts the inspection and investigation required for adoption of a child under IC 31-19-8-1 to conduct a criminal history check of the petitioner as part of its investigation.

As added by P.L.200-1999, SEC.7.

IC 31-19-2-7.6

Sec. 7.6. If a petitioner for adoption is charged with:

(1) a felony; or

(2) a misdemeanor relating to the health and safety of children;

during the pendency of the adoption, the petitioner shall notify the court of the criminal charge in writing.

As added by P.L.200-1999, SEC.8.

IC 31-19-2-8

Sec. 8. Unless the petitioner for adoption seeks under section 1 of this chapter to adopt a person who is at least eighteen (18) years of age, the petitioner for adoption must attach to the petition for adoption:

(1) an adoption history fee of twenty dollars (\$20) payable to the state department of health; and

(2) a putative father registry fee of fifty dollars (\$50) payable to the state department of health for:

(A) administering the putative father registry established by

IC 31-19-5; and

(B) paying for blood or genetic testing in a paternity action in which an adoption is pending in accordance with IC 31-14-21-9.1.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.9.

IC 31-19-2-9

Sec. 9. Fees collected under section 8 of this chapter shall be deposited in the adoption history fund established by IC 31-19-18-6.

As added by P.L.1-1997, SEC.11.

IC 31-19-2-10

Sec. 10. (a) Not more than five (5) days after a petition for adoption has been filed, the clerk of the court shall notify the court of the filing.

(b) Upon receiving notice under subsection (a) that a petition for adoption has been filed, the court shall promptly:

(1) examine the petition for adoption; and

(2) determine whether the petition for adoption is in proper form.

(c) If the court does not find the petition for adoption to be in proper form, the court shall return the petition for adoption immediately to the petitioner for adoption or the petitioner's attorney.

(d) If a petition for adoption is returned under subsection (c), the petitioner for adoption shall promptly correct and amend the petition for adoption to conform to the law.

As added by P.L.1-1997, SEC.11.

IC 31-19-2-11

Sec. 11. If the judge of the court dies, is disabled, or is absent, the clerk of the court shall examine the petition for adoption and the petition for adoption shall be acted upon accordingly.

As added by P.L.1-1997, SEC.11.

IC 31-19-2-12

Sec. 12. As soon as a petition for adoption is found to be in proper form, the clerk of the court shall forward one (1) copy of the petition for adoption to:

(1) the division of family and children;

(2) a licensed child placing agency as described in IC 31-19-7-1, with preference to be given to the agency, if any, sponsoring the adoption, as shown by the petition for adoption; and

(3) the county office of family and children whenever a subsidy is requested in a petition for adoption sponsored by a licensed child placing agency.

As added by P.L.1-1997, SEC.11.

IC 31-19-3

Chapter 3. Notice of Adoption Before Birth of Child

IC 31-19-3-1

Sec. 1. Before the birth of a child:

- (1) a licensed child placing agency;
- (2) an attorney representing prospective adoptive parents of the child; or
- (3) an attorney representing the mother of the child;

may serve the putative father of the child or cause the putative father to be served with actual notice that the mother of the child is considering an adoptive placement for the child.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.10.

IC 31-19-3-2

Sec. 2. Providing the putative father with actual notice under section 1 of this chapter does not obligate the mother of the child to proceed with an adoptive placement of the child.

As added by P.L.1-1997, SEC.11.

IC 31-19-3-3

Sec. 3. (a) Upon the filing of a petition for adoption:

- (1) the licensed child placing agency sponsoring the adoption; or
- (2) the attorney representing the prospective adoptive parents;

shall submit to the court an affidavit setting forth the circumstances surrounding the service of actual notice, including the time, if known, date, and manner in which the actual notice was provided.

(b) If notice is served upon the putative father under section 1(3) of this chapter:

- (1) the licensed child placing agency sponsoring the adoption; or
- (2) the attorney representing the prospective adoptive parents;

shall submit to the court an affidavit prepared by the attorney representing the mother of the child. An affidavit filed under this subsection must contain the same information as an affidavit filed under subsection (a).

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.14; P.L.200-1999, SEC.11.

IC 31-19-3-4

Sec. 4. Notice of the potential adoption under this chapter must be provided to the putative father of the child in substantially the following form:

" _____ (putative father's name), who has been named as the father of the unborn child of _____ (birth mother's name), or who claims to be the father of the unborn child, is notified that _____ (birth mother's name) has expressed an intention to secure an adoptive placement for the child.

If _____ (putative father's name) seeks to contest the adoption of the unborn child, the putative father must file a paternity action to establish his paternity in relation to the unborn child not later than thirty (30) days after the receipt of this notice.

If _____ (putative father's name) does not file a paternity action not more than thirty (30) days after receiving this notice, or having filed a paternity action, is unable to establish paternity in relation to the child under IC 31-14 or the laws applicable to a court of another state when the court obtains jurisdiction over the paternity action, the putative father's consent to the adoption or the voluntary termination of the putative father's parent-child relationship under IC 31-35-1, or both, shall be irrevocably implied and the putative father loses the right to contest the adoption, the validity of his implied consent to the adoption, the termination of the parent-child relationship, and the validity of his implied consent to the termination of the parent-child relationship. In addition, the putative father loses the right to establish paternity of the child under IC 31-14 or in a court of another state when the court would otherwise be competent to obtain jurisdiction over the paternity action, except as provided in IC 31-19-9-17(b).

Nothing _____ (mother's name) or anyone else says to _____ (putative father's name) relieves _____ (putative father's name) of his obligations under this notice.

Under Indiana law, a putative father is a person who is named as or claims that he may be the father of a child born out of wedlock but who has not yet been legally proven to be the child's father.

For purposes of this notice, _____ (putative father's name) is a putative father under the laws in Indiana regarding adoption."

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.12.

IC 31-19-3-5

Sec. 5. A putative father who files a paternity action as described by IC 31-19-9-15(2) after receiving notice of a potential adoption from an attorney or a licensed child placing agency under section 1 of this chapter shall notify the attorney or agency that the paternity action has been filed. The notice must include the following information:

- (1) The name of the court.
- (2) The cause number.
- (3) The date of filing.

As added by P.L.1-1997, SEC.11.

IC 31-19-3-6

Sec. 6. If a putative father fails to provide notice to an attorney or a licensed child placing agency under section 5 of this chapter (or under IC 31-3-1-6.4(i) before its repeal), upon a motion of the prospective adoptive parents the court having jurisdiction over the paternity action shall allow the prospective adoptive parents to intervene in the paternity action under Rule 24 of the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.11.

IC 31-19-3-7

IC 31-19-3-7 Sec. 7. If the court has already established the paternity of a father who fails to provide notice under section 5 of this chapter (or under IC 31-3-1-6.4(i) before its repeal), upon motion of the

prospective adoptive parents the court shall:

- (1) set aside the paternity determination in order to reinstate the paternity action; and
- (2) allow the prospective adoptive parents to intervene as described under section 6 of this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-3-8

Sec. 8. The Indiana Rules of Trial Procedure do not apply to the giving of notice under this chapter.

As added by P.L.200-1999, SEC.13.

IC 31-19-4

Chapter 4. Notice of Adoption After Birth of Child

IC 31-19-4-1

Sec. 1. Except as provided by section 11 of this chapter, if:

- (1) on or before the date the mother of a child executes a consent to the child's adoption, the mother has provided an attorney or agency arranging the adoption with the name and address of the putative father; and
- (2) the putative father of the child has:
 - (A) failed or refused to consent to the adoption of the child; or
 - (B) not had the parent-child relationship terminated under IC 31-35 (or IC 31-6-5 before its repeal);

the putative father shall be given notice of the adoption proceedings under Rule 4.1 of the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.14.

IC 31-19-4-2

Sec. 2. Except as provided by section 11 of this chapter, if:

- (1) on or before the date the mother of a child executes a consent to the child's adoption, the mother has not provided an attorney or agency arranging the adoption with the name or address, or both, of the putative father of the child; and
- (2) the putative father of the child has:
 - (A) failed or refused to consent to the adoption of the child or has not had the parent-child relationship terminated under IC 31-35 (or IC 31-6-5 before its repeal); and
 - (B) registered with the putative father registry under IC 31-19-5 (or IC 31-6-5 before its repeal) within the period under IC 31-19-5-12;

the putative father shall be given notice of the adoption proceedings under Rule 4.1 of the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.15.

IC 31-19-4-3

Sec. 3. (a) If:

- (1) the mother of a child:
 - (A) informs an attorney or agency arranging the child's adoption, on or before the date the child's mother executes a consent to the child's adoption, that the child was conceived outside Indiana; and
 - (B) does not disclose to the attorney or agency the name or address, or both, of the putative father of the child; and
- (2) the putative father of the child has:
 - (A) failed or refused to consent to the adoption of the child or has not had the parent-child relationship terminated under IC 31-35 (or IC 31-6-5 before its repeal); and
 - (B) not registered with the putative father registry under IC 31-19-5 within the period under IC 31-19-5-12;

the attorney or agency shall serve notice of the adoption proceedings on the putative father by publication under Rule 4.13 of the Indiana

Rules of Trial Procedure.

(b) The only circumstance under which notice to the putative father must be given by publication under Rule 4.13 of the Indiana Rules of Trial Procedure is when the child was conceived outside of Indiana as described in subsection (a).

As added by P.L.1-1997, SEC.11.

IC 31-19-4-4

Sec. 4. Notice of the adoption proceeding required under section 3 of this chapter shall be given to an unnamed putative father in substantially the following form:

"NOTICE TO UNNAMED FATHER

The unnamed putative father of the child born to _____ (mother's name) on _____ (date), or the person who claims to be the father of the child born to _____ (mother's name) on _____ (date), is notified that a petition for adoption of the child was filed in the office of the clerk of _____ court, _____ (address of court).

If the unnamed putative father seeks to contest the adoption of the child, the unnamed putative father must file a motion to contest the adoption in accordance with IC 31-19-10-1 in the above named court or a paternity action under IC 31-14 within thirty (30) days after the date of service of this notice. This notice may be served by publication.

If the unnamed putative father:

(1) does not file:

(A) a motion to contest the adoption; or

(B) a paternity action under IC 31-14;

within thirty (30) days after service of this notice; or

(2) after filing a paternity action under IC 31-14 fails to establish paternity;

the above named court shall hear and determine the petition for adoption. The unnamed putative father's consent is irrevocably implied and the unnamed putative father loses the right to contest the adoption or the validity of the unnamed putative father's implied consent to the adoption. The unnamed putative father loses the right to establish paternity of the child under IC 31-14.

Nothing _____ (mother's name) or any one else says to the unnamed putative father of the child relieves the unnamed putative father of his obligations under this notice.

Under Indiana law, a putative father is a person who is named as or claims that he may be the father of a child born out of wedlock but who has not yet been legally proven to be the child's father."

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.16.

IC 31-19-4-5

Sec. 5. Notice of the adoption proceeding shall be given to:

(1) the putative father who is entitled to notice under section 1 or 2 of this chapter; or

(2) a named putative father under section 3 of this chapter;

in substantially the following form:

"NOTICE TO NAMED FATHER

_____ (putative father's name), who has been named the

father of the child born to _____ (mother's name) on _____ (date), or who claims to be the father of the child born to _____ (mother's name) on _____ (date), is notified that a petition for adoption of the child was filed in the office of the clerk of _____ court, _____ (address of the court).

If _____ (putative father's name) seeks to contest the adoption of the child, he must file a motion to contest the adoption in accordance with IC 31-19-10-1 in the above named court, or a paternity action under IC 31-14 not later than thirty (30) days after the date of service of this notice.

If _____ (putative father's name):

(1) does not file:

(A) a motion to contest the adoption; or

(B) a paternity action under IC 31-14;

within thirty (30) days after service of this notice; or

(2) after filing a paternity action under IC 31-14 fails to establish paternity;

the above named court will hear and determine the petition for adoption. His consent will be irrevocably implied and he will lose his right to contest either the adoption or the validity of his implied consent to the adoption. He will lose his right to establish his paternity of the child under IC 31-14.

Nothing _____ (mother's name) or anyone else says to _____ (putative father's name) relieves _____ (putative father's name) of his obligations under this notice.

Under Indiana law, a putative father is a person who is named as or claims that he may be the father of a child born out of wedlock but who has not yet been legally proven to be the child's father. For purposes of this notice, _____ (putative father's name) is a putative father under the laws in Indiana regarding adoption."

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.17.

IC 31-19-4-6

Sec. 6. Except as provided in section 3 of this chapter, if:

(1) on or before the date the mother of a child executes a consent to the child's adoption, the mother does not disclose to the attorney or agency arranging the adoption the identity or address, or both, of the putative father; and

(2) the putative father has not registered with the putative father registry under IC 31-19-5 within the period under IC 31-19-5-12;

the putative father is not entitled to notice of the adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-4-7

Sec. 7. If a putative father is entitled to notice under section 1, 2, or 3 of this chapter, upon:

(1) providing service of process in compliance with Rule 4.1 of the Indiana Rules of Trial Procedure for notice under section 1 or 2 of this chapter; or

(2) publication in compliance with Rule 4.13 of the Indiana Rules of Trial Procedure for notice under section 3 of this chapter;

no further efforts to give notice to the putative father are necessary, regardless of whether the putative father actually receives the notice.
As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.15.

IC 31-19-4-8

Sec. 8. The notice required by this chapter may be waived in writing before or after the birth of a child.
As added by P.L.1-1997, SEC.11.

IC 31-19-4-9

Sec. 9. The notice required by this chapter is not necessary if actual notice has been given to a putative father under IC 31-19-3.
As added by P.L.1-1997, SEC.11.

IC 31-19-4-10

Sec. 10. The court shall give notice of hearing and the opportunity to file objection to parents, putative fathers, other necessary parties, and interested parties that the court in the court's discretion directs.
As added by P.L.1-1997, SEC.11.

IC 31-19-4-11

- Sec. 11. Notice of an adoption does not have to be given to:
- (1) a person whose consent to adoption has been filed with the petition for adoption; or
 - (2) a person whose consent to adoption is not required by:
 - (A) IC 31-19-9-8(a)(4);
 - (B) IC 31-19-9-8(a)(5);
 - (C) IC 31-19-9-8(a)(6);
 - (D) IC 31-19-9-8(a)(7); or
 - (E) IC 31-19-9-8(a)(8).

As added by P.L.1-1997, SEC.11.

IC 31-19-4-12

Sec. 12. If the parent-child relationship has been terminated under IC 31-35 (or IC 31-6-5 before its repeal), notice of the pendency of adoption proceedings shall be given to the:

- (1) licensed child placing agency; or
- (2) county office of family and children;

of which the child is a ward.
As added by P.L.1-1997, SEC.11.

IC 31-19-4-13

Sec. 13. Only the rules of the Indiana Rules of Trial Procedure specified in this chapter apply to the giving of notice under this chapter.
As added by P.L.200-1999, SEC.18.

IC 31-19-5

Chapter 5. Putative Father Registry

IC 31-19-5-1

Sec. 1. This chapter applies to a putative father whenever:

- (1) an adoption under IC 31-19-2 is filed regarding a child who may have been conceived by the putative father; and
- (2) on or before the date the child's mother executes a consent to the child's adoption, the child's mother has not disclosed the name or address, or both, of the putative father to an attorney or agency that is arranging the child's adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-2

Sec. 2. The putative father registry is established within the state department of health. The state department shall adopt rules under IC 4-22-2 to administer the registry.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-3

Sec. 3. The registry's purpose is to determine the name and address of a father:

- (1) whose name and address have not been disclosed by the mother of the child, on or before the date the mother executes a consent to the child's adoption, to:
 - (A) an attorney; or
 - (B) an agency;that is arranging the adoption of the child; and
- (2) who may have conceived a child for whom a petition for adoption has been or may be filed to provide notice of the adoption to the putative father.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-4

Sec. 4. A putative father of a child who registers in accordance with this chapter (or IC 31-3-1.5 before its repeal) is entitled to notice of the child's adoption under Rule 4.1 of the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-5

Sec. 5. If, on or before the date the mother of a child executes a consent to the child's adoption, the mother does not disclose to an attorney or agency that:

- (1) is arranging; or
- (2) may arrange;

an adoption of the child the name or address, or both, of the putative father of the child, the putative father must register under this chapter to entitle the putative father to notice of the child's adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-6

Sec. 6. This chapter does not relieve a man who is presumed to be a father under 31-14-7-2 from the obligation of registering in accordance with this chapter to be entitled to notice of an adoption of a child for whom the man may be the presumed father.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-7

Sec. 7. (a) The state department of health shall maintain the following information in the registry:

(1) The putative father's:

(A) name;

(B) address at which the putative father may be served with notice of an adoption under Rule 4.1 of the Indiana Rules of Trial Procedure;

(C) Social Security number; and

(D) date of birth.

(2) The mother's:

(A) name, including all other names known to the putative father that the mother uses, if known;

(B) address, if known;

(C) Social Security number, if known; and

(D) date of birth, if known.

(3) The child's:

(A) name, if known; and

(B) place of birth, if known.

(4) The date that the state department of health receives a putative father's registration.

(5) The:

(A) name of an attorney or agency that requests the state department to search the registry under section 15 of this chapter to determine whether a putative father is registered in relation to a mother whose child is or may be the subject of an adoption; and

(B) date that the attorney or agency submits a request as provided under this subdivision.

(6) Any other information that the state department determines is necessary to access the information in the registry.

(b) If a putative father does not have an address where the putative father is able to be served with notice of an adoption, the putative father may designate another person as an agent for the purpose of being served with notice of adoption. The putative father must provide the department with the agent's name and the address at which the agent may be served. Service of notice upon the agent under Rule 4.1 of the Indiana Rules of Trial Procedure constitutes service of notice upon the putative father. If notice of an adoption may not be served on the agent under Rule 4.1 of the Indiana Rules of Trial Procedure as provided by this subsection, further notice of the adoption to the agent or to the putative father is not necessary.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.16.

IC 31-19-5-8

Sec. 8. The state department of health shall store the registry's data to make the data accessible under the following:

- (1) The putative father's name.
- (2) The mother's name.
- (3) The child's name, if known.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-9

Sec. 9. A putative father who registers under this chapter shall provide to the state department of health the following:

- (1) The putative father's:
 - (A) name;
 - (B) address at which the putative father may be served with notice of an adoption under Rule 4.1 of the Indiana Rules of Trial Procedure;
 - (C) Social Security number; and
 - (D) date of birth.
- (2) The mother's name, including all other names known to the putative father that the mother uses.
- (3) Any other information described under section 7 of this chapter that is known to the putative father.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-10

Sec. 10. A putative father shall register under this chapter on a registration form prescribed by the state department of health. The registration form must be signed by the putative father and notarized.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-11

Sec. 11. A putative father who registers under this chapter is responsible for:

- (1) verifying with the state department of health the accuracy of the registration; and
- (2) submitting to the state department of health an amended registration each time the information supplied by the putative father changes;

during the period specified by section 12 of this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-12

Sec. 12. (a) To be entitled to notice of an adoption under IC 31-19-3 or IC 31-19-4, a putative father must register with the state department of health under section 5 of this chapter not later than:

- (1) thirty (30) days after the child's birth; or
- (2) the date of the filing of a petition for the child's adoption;

whichever occurs later.

(b) A putative father may register under subsection (a) before the child's birth.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-13

Sec. 13. The state department of health shall:

- (1) prescribe a registration form for the information that a putative father submits under section 9 of this chapter; and
- (2) make the registration forms available through:
 - (A) the state department;
 - (B) each clerk of a circuit court; and
 - (C) each local health department.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-14

Sec. 14. (a) Each:

- (1) clerk of a circuit court;
- (2) branch office of the bureau of motor vehicles;
- (3) hospital; and
- (4) local health department;

shall post in a conspicuous place a notice that informs the public about the purpose and operation of the registry.

(b) The notice under subsection (a) must include information regarding the following:

- (1) Where to obtain a registration form.
- (2) Where to register.
- (3) The circumstances under which a putative father is required to register.
- (4) When under section 12 of this chapter a putative father is required to register to entitle the putative father to notice of an adoption.
- (5) The consequences of not submitting a timely registration.

(c) Failure to post a proper notice under this section does not relieve a putative father of the obligation to register with the state department of health in accordance with this chapter to entitle the putative father to notice of the adoption of a child who may have been conceived by the putative father.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-15

Sec. 15. (a) An attorney or agency that arranges an adoption or may arrange an adoption may at any time request that the state department of health search the registry to determine whether a putative father is registered in relation to a mother whose child is or may be the subject of an adoption.

(b) Whenever a petition for adoption is filed, the attorney or agency that arranges the adoption shall:

- (1) request that the state department of health search the registry under this section at least one (1) day after the expiration of the period specified by section 12 of this chapter; and
- (2) file an affidavit prepared by the state department of health under section 16 of this chapter in response to a request under subdivision (1) with the court presiding over the adoption under this article.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-16

Sec. 16. (a) Not later than ten (10) days after receiving a request under section 15 of this chapter, the state department of health shall submit an affidavit to the attorney or agency verifying whether a putative father is registered within the period specified by section 12 of this chapter in relation to a mother whose child is the subject of the adoption that the attorney or agency is arranging.

(b) Whenever the state department of health finds that one (1) or more putative fathers are registered, the state department shall:

(1) submit a copy of each registration form with the state department's affidavit; and

(2) include in the affidavit the date that the attorney or agency submits the request for a search that relates to the affidavit.

(c) A court may not grant an adoption unless the state department's affidavit under this section is filed with the court as provided under IC 31-19-11-1(a)(4).

As added by P.L.1-1997, SEC.11.

IC 31-19-5-17

Sec. 17. Whenever the state department of health receives a request under section 15 of this chapter, the state department shall:

(1) search the state department's records of paternity determinations filed under IC 31-14-9-2; and

(2) notify the attorney or agency, in compliance with IC 31-19-6, as to whether a record of a paternity determination has been filed concerning a child who is or may be the subject of an adoption that the attorney or agency is arranging.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-18

Sec. 18. A putative father who fails to register within the period specified by section 12 of this chapter waives notice of an adoption proceeding. The putative father's waiver under this section constitutes an irrevocably implied consent to the child's adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-19

Sec. 19. A putative father may revoke a registration at any time by submitting a signed, notarized statement revoking the registration.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-20

Sec. 20. A putative father must submit a registration under this chapter:

(1) in person; or

(2) by:

(A) facsimile transmission;

(B) mail;

(C) private courier; or

(D) express delivery service.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-21

Sec. 21. (a) Subject to subsection (b), upon written request by:

- (1) a putative father;
- (2) a mother;
- (3) a child;
- (4) any party or attorney of record in a pending adoption;
- (5) an attorney who represents prospective adoptive parents or petitioners in an adoption;
- (6) a licensed child placing agency that represents prospective adoptive parents or petitioners in an adoption; or
- (7) a court that presides over a pending adoption;

the state department of health shall furnish a certified copy of a putative father's registration form.

(b) The state department may release the certified copy of the registration form to a person under subsection (a)(1) through (a)(3) only if the information contained in the registration form names the requesting person.

(c) A person listed under subsection (a), who requests information about a registration from the state department, must do the following:

- (1) Submit the request in writing.
- (2) Under the penalties of perjury, state that the requesting person is entitled to receive the information under this chapter.
- (3) Submit the request in a manner described by section 20(1) or 20(2) of this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-22

Sec. 22. (a) Except as provided in section 16 of this chapter, the state department of health shall immediately respond to requests regarding registrations under this chapter:

- (1) in writing; and
- (2) in a manner described by section 20 of this chapter.

(b) The state department may charge a fee for responding to a request under this section, unless the state department mails the department's response.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-23

Sec. 23. Except as otherwise provided in this chapter, information contained within the registry is confidential.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-24

IC 31-19-5-24 Sec. 24. A person who knowingly or intentionally registers false information under this chapter commits a Class A misdemeanor.

As added by P.L.1-1997, SEC.11.

IC 31-19-5-25

Sec. 25. (a) A person who knowingly or intentionally releases or

requests confidential information in violation of this chapter commits a Class A misdemeanor.

(b) It is a defense under this section if the state registrar releases confidential information while acting:

(1) in good faith; and

(2) with reasonable diligence.

As added by P.L.1-1997, SEC.11.

IC 31-19-6**Chapter 6. Search of Paternity Records and Putative Father Registry****IC 31-19-6-1**

Sec. 1. An attorney or agency that arranges an adoption or may arrange an adoption may at any time request that the state department of health search the state department's records of paternity determinations to determine whether a man's paternity of a child has been established in relation to a child who is or may be the subject of an adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-6-2

Sec. 2. Not later than ten (10) days after receiving a request under section 1 of this chapter, the state department of health shall:

- (1) submit an affidavit to the attorney or agency verifying whether a record of a paternity determination has been filed under IC 31-14-9-2 concerning the child; and
- (2) search the putative father registry established by IC 31-19-5 and notify the attorney or agency, in compliance with IC 31-19-5-16 as to whether a putative father has registered concerning the child.

As added by P.L.1-1997, SEC.11.

IC 31-19-6-3

Sec. 3. If a record of a paternity determination has been filed concerning a child who is the subject of a request under section 1 of this chapter, the state department of health shall release a copy of the record of the paternity determination to the requesting attorney or agency.

As added by P.L.1-1997, SEC.11.

IC 31-19-7

Chapter 7. Prior Approval of Placement of Child in Proposed Adoptive Home

IC 31-19-7-1

Sec. 1. Except:

(1) for:

(A) a child sought to be adopted by a stepparent;

(B) a child sought to be adopted by a blood relative; or

(C) a child received by the petitioner for adoption from an agency outside Indiana with the written consent of the division of family and children; or

(2) if the court in its discretion, after a hearing held upon proper notice, has waived the requirement for prior written approval;

a child may not be placed in a proposed adoptive home without the prior written approval of a licensed child placing agency or county office of family and children approved for that purpose by the division of family and children.

As added by P.L.1-1997, SEC.11.

IC 31-19-7-2

Sec. 2. Whenever the written approval for placement of a child in a proposed adoptive home is obtained from a licensed child placing agency, the consent of the county office of family and children is not required unless the child is a ward of the county office of family and children.

As added by P.L.1-1997, SEC.11.

IC 31-19-7-3

Sec. 3. Approval under this chapter for placement in a proposed adoptive home must be filed with the petition for adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-8

Chapter 8. Supervision of Child by Licensed Child Placing Agency

IC 31-19-8-1

Sec. 1. An adoption may be granted in Indiana only after:

- (1) the court has heard the evidence; and
- (2) a period of supervision, as described in section 2 of this chapter, by a licensed child placing agency or county office of family and children approved for that purpose by the division of family and children.

As added by P.L.1-1997, SEC.11.

IC 31-19-8-2

Sec. 2. (a) The period of supervision required by section 1 of this chapter may be before or after the filing of a petition for adoption, or both.

(b) The length of the period of supervision is within the sole discretion of the court hearing the petition for adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-8-3

Sec. 3. (a) The division of family and children shall annually compile a list of:

- (1) licensed child placing agencies; and
- (2) county offices of family and children;

that conduct the inspection and supervision required for adoption of a child by IC 31-19-7-1 and section 1 of this chapter.

(b) The list of licensed child placing agencies and county offices of family and children must include a description of the following:

- (1) Fees charged by each agency and county office of family and children.
- (2) Geographic area served by each agency and county office of family and children.
- (3) Approximate waiting period for the inspection or supervision by each agency and county office of family and children.
- (4) Other relevant information regarding the inspection and supervision provided by an agency or a county office of family and children under IC 31-19-7-1 and section 1 of this chapter.

(c) The division of family and children shall do the following:

- (1) Maintain in its office sufficient copies of the list compiled under this section for distribution to individuals who request a copy.
- (2) Provide the following persons with sufficient copies of the list prepared under this section for distribution to individuals who request a copy:
 - (A) Each clerk of a court having probate jurisdiction in a county.
 - (B) Each county office of family and children.
- (3) Provide a copy of the list to each public library organized under IC 20-14.

(d) The division of family and children and each:
 (1) county office of family and children;
 (2) clerk of a court having probate jurisdiction in a county; and
 (3) public library organized under IC 20-14;
shall make the list compiled under this section available for public inspection.

As added by P.L.1-1997, SEC.11.

IC 31-19-8-4

Sec. 4. To facilitate adoption proceedings, the division of family and children shall furnish to clerks of Indiana courts having probate jurisdiction a list of approved supervising agencies.

As added by P.L.1-1997, SEC.11.

IC 31-19-8-5

Sec. 5. (a) Not more than sixty (60) days from the date of reference of a petition for adoption to each appropriate agency, each agency shall submit to the court a written report of and the agency's investigation recommendation as to the advisability of the adoption.

- (b) The agency's report and recommendation:
 (1) shall be filed with the adoption proceedings; and
 (2) become a part of the proceedings.

As added by P.L.1-1997, SEC.11.

IC 31-19-8-6

Sec. 6. (a) The agency's report must, to the extent possible, include the following:

- (1) The former environment and antecedents of the child.
(2) The fitness of the child for adoption.
(3) Whether the child is classified as hard to place:
 (A) because of the child's ethnic background, race, color, language, physical, mental, or medical disability, or age; or
 (B) because the child is a member of a sibling group that should be placed in the same home.
(4) The suitability of the proposed home for the child.

- (b) The report may not contain any of the following:
 (1) Information concerning the financial condition of the parents.
 (2) A recommendation that a request for a subsidy be denied in whole or in part due to the financial condition of the parents.

(c) The criminal history information required under IC 31-19-2-7.5 must accompany the report.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.19.

IC 31-19-8-7

Sec. 7. The court shall summarily consider the agency's report. If the court finds that further investigation or further supervision is necessary, the court shall continue the case to a later date that the court considers advisable for final determination. At that time the court shall determine the case.

As added by P.L.1-1997, SEC.11.

IC 31-19-8-8

Sec. 8. The report and recommendation of the agency are not binding on the court but are advisory only.

As added by P.L.1-1997, SEC.11.

IC 31-19-8-9

Sec. 9. As soon as possible after the provisions of IC 31-19-7-1 and this chapter have been satisfied, the court shall proceed to hear and determine the petition for adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-9

Chapter 9. Consent to Adoption

IC 31-19-9-1

Sec. 1. (a) Except as otherwise provided in this chapter, a petition to adopt a child who is less than eighteen (18) years of age may be granted only if written consent to adoption has been executed by the following:

- (1) Each living parent of a child born in wedlock.
- (2) The mother of a child born out of wedlock and the father of a child whose paternity has been established by:
 - (A) a court proceeding other than the adoption proceeding, except as provided in IC 31-14-20-2; or
 - (B) a paternity affidavit executed under IC 16-37-2-2.1; unless the putative father gives implied consent to the adoption under section 15 of this chapter.
- (3) Each person, agency, or county office of family and children having lawful custody of the child whose adoption is being sought.
- (4) The court having jurisdiction of the custody of the child if the legal guardian or custodian of the person of the child is not empowered to consent to the adoption.
- (5) The child to be adopted if the child is more than fourteen (14) years of age.

(6) The spouse of the child to be adopted if the child is married.

(b) A parent who is less than eighteen (18) years of age may consent to an adoption without the concurrence of:

- (1) the individual's parent or parents; or
- (2) the guardian of the individual's person;

unless the court, in the court's discretion, determines that it is in the best interest of the child to be adopted to require the concurrence.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.17.

IC 31-19-9-2

Sec. 2. The consent to adoption may be executed at any time after the birth of the child either in the presence of:

- (1) the court;
- (2) a notary public or other person authorized to take acknowledgments; or
- (3) an authorized agent of:
 - (A) the division of family and children;
 - (B) a county office of family and children; or
 - (C) a licensed child placing agency.

As added by P.L.1-1997, SEC.11.

IC 31-19-9-3

Sec. 3. A consent to adoption that does not name or otherwise identify a petitioner for adoption is valid if the consent to adoption contains a statement, by the person consenting to adoption, that the person consenting to adoption voluntarily executed the consent to adoption without disclosure of the name or other identification of the

petitioner for adoption.
As added by P.L.1-1997, SEC.11.

IC 31-19-9-4

Sec. 4. The division of family and children may furnish to the clerks of courts prescribed forms for use by parents or other persons when giving consent to adoption.
As added by P.L.1-1997, SEC.11.

IC 31-19-9-5

Sec. 5. Copies of a signed consent to adoption shall be filed with the investigating agency and the clerk of the court in which the petition for adoption is pending.
As added by P.L.1-1997, SEC.11.

IC 31-19-9-6

Sec. 6. The individual who or agency that arranges for the signing of a consent to adoption shall provide each birth parent whose consent to adoption is obtained under this chapter with the following:

- (1) An explanation concerning the:
 - (A) availability of adoption history information under IC 31-19-17 through IC 31-19-25; and
 - (B) birth parent's option to file a nonrelease form with the state registrar if the birth parent seeks to restrict the release of identifying information.
- (2) A nonrelease form prescribed by the state registrar under IC 31-19-25-4.

As added by P.L.1-1997, SEC.11.

IC 31-19-9-7

Sec. 7. Upon request, the state registrar shall provide an individual or agency with a nonrelease form required by section 6(2) of this chapter.
As added by P.L.1-1997, SEC.11.

IC 31-19-9-8

Sec. 8. (a) Consent to adoption is not required from any of the following:

- (1) A parent or parents if the child is adjudged to have been abandoned or deserted for at least six (6) months immediately preceding the date of the filing of the petition for adoption.
- (2) A parent of a child in the custody of another person if for a period of at least one (1) year the parent:
 - (A) fails without justifiable cause to communicate significantly with the child when able to do so; or
 - (B) knowingly fails to provide for the care and support of the child when able to do so as required by law or judicial decree.
- (3) The biological father of a child born out of wedlock whose paternity has not been established:
 - (A) by a court proceeding other than the adoption proceeding;or

- (B) by executing a paternity affidavit under IC 16-37-2-2.1.
- (4) The biological father of a child born out of wedlock who was conceived as a result of:
 - (A) a rape for which the father was convicted under IC 35-42-4-1;
 - (B) child molesting (IC 35-42-4-3);
 - (C) sexual misconduct with a minor (IC 35-42-4-9); or
 - (D) incest (IC 35-46-1-3).
- (5) The putative father of a child born out of wedlock if the putative father's consent to adoption is irrevocably implied under section 15 of this chapter.
- (6) The biological father of a child born out of wedlock if the:
 - (A) father's paternity is established after the filing of a petition for adoption in a court proceeding or by executing a paternity affidavit under IC 16-37-2-2.1; and
 - (B) father is required to but does not register with the putative father registry established by IC 31-19-5 within the period required by IC 31-19-5-12.
- (7) A parent who has relinquished the parent's right to consent to adoption as provided in this chapter.
- (8) A parent after the parent-child relationship has been terminated under IC 31-35 (or IC 31-6-5 before its repeal).
- (9) A parent judicially declared incompetent or mentally defective if the court dispenses with the parent's consent to adoption.
- (10) A legal guardian or lawful custodian of the person to be adopted who has failed to consent to the adoption for reasons found by the court not to be in the best interests of the child.
- (b) If a parent has made only token efforts to support or to communicate with the child, the court may declare the child abandoned by the parent.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.18.

IC 31-19-9-9

Sec. 9. A court shall determine that consent to adoption is not required from a parent if the:

- (1) parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:
 - (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) an attempt under IC 35-41-5-1 to commit a crime described in clauses (A) through (C); or
 - (E) a crime in another state that is substantially similar to a crime described in clauses (A) through (D);
- (2) victim of the crime is the child's other parent; and
- (3) court determines, after notice to the convicted parent and a hearing, that dispensing with the parent's consent to adoption is in the child's best interests.

As added by P.L.1-1997, SEC.11.

IC 31-19-9-10

Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

- (1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:
 - (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) rape (IC 35-42-4-1);
 - (E) criminal deviate conduct (IC 35-42-4-2);
 - (F) child molesting as a Class A or Class B felony (IC 35-42-4-3);
 - (G) incest as a Class B felony (IC 35-46-1-3);
 - (H) neglect of a dependent as a Class B felony (IC 35-46-1-4);
 - (I) battery of a child as a Class C felony (IC 35-42-2-1(a)(3));
 - (J) battery as a Class A felony (IC 35-42-2-1(a)(5)) or Class B felony (IC 35-42-2-1(a)(4)); or
 - (K) an attempt under IC 35-41-5-1 to commit an offense described in clauses (A) through (J);
- (2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and
- (3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

As added by P.L.1-1997, SEC.11. Amended by P.L.222-2001, SEC.1.

IC 31-19-9-11

Reserved

IC 31-19-9-12

Sec. 12. A putative father's consent to adoption is irrevocably implied without further court action if the putative father:

- (1) fails to file:
 - (A) a motion to contest the adoption in accordance with IC 31-19-10; and
 - (B) a paternity action under IC 31-14;within thirty (30) days after service of notice under IC 31-19-4;
- (2) having filed a motion to contest the adoption in accordance with IC 31-19-10, fails to appear at the hearing set to contest the adoption;
- (3) having filed a paternity action under IC 31-14, fails to establish paternity in the action; or
- (4) is required to but fails to register with the putative father registry established by IC 31-19-5 within the period under IC 31-19-5-12.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.19; P.L.200-1999, SEC.20.

IC 31-19-9-13

Sec. 13. A putative father whose consent to adoption is implied under this chapter or IC 31-19-5-18 is not entitled to challenge:

- (1) the adoption; or
- (2) the validity of the putative father's implied consent to the adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-9-14

Sec. 14. A putative father whose consent to adoption of a child is implied under this chapter or IC 31-19-5-18 is not entitled to establish paternity under IC 31-14.

As added by P.L.1-1997, SEC.11.

IC 31-19-9-15

Sec. 15. (a) The putative father's consent to adoption of the child is irrevocably implied without further court action if the father:

- (1) fails to file a paternity action:
 - (A) under IC 31-14; or
 - (B) in a court located in another state that is competent to obtain jurisdiction over the paternity action;
not more than thirty (30) days after receiving actual notice under IC 31-19-3 of the mother's intent to proceed with an adoptive placement of the child, regardless of whether the child is born before or after the expiration of the thirty (30) day period; or
- (2) files a paternity action:
 - (A) under IC 31-14; or
 - (B) in a court located in another state that is competent to obtain jurisdiction over the paternity action;
during the thirty (30) day period prescribed by subdivision (1) and fails to establish paternity in the paternity proceeding under IC 31-14 or the laws applicable to a court of another state when the court obtains jurisdiction over the paternity action.

(b) This section does not prohibit a putative father who meets the requirements of section 17(b) of this chapter from establishing paternity of the child.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.21.

IC 31-19-9-16

Sec. 16. A putative father whose consent to adoption is irrevocably implied under section 15 of this chapter is not entitled to contest:

- (1) the adoption; or
- (2) the validity of the putative father's implied consent to the adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-9-17

IC 31-19-9-17 Sec. 17. (a) A putative father whose consent to an adoption is implied under section 15 of this chapter is not entitled to establish paternity of the child:

- (1) in a court proceeding under IC 31-14; or
 - (2) by executing a paternity affidavit under IC 16-37-2-2.1.
- (b) Notwithstanding subsection (a), a putative father who is barred

from establishing paternity of the child under subsection (a) may establish paternity of the child in a court proceeding under IC 31-14 if:

(1) the putative father submits, together with the petition to establish paternity, an affidavit prepared by the:

(A) licensed child placing agency; or

(B) attorney;

that served notice or caused notice to be served upon the putative father under IC 31-19-3-1 stating that neither a petition for adoption nor a placement of the child in a proposed adoptive home is pending; and

(2) the court finds on the record, based on all the information available to the court, including an affidavit described under subdivision (1), that neither a:

(A) petition for adoption; nor

(B) placement of the child in a prospective adoptive home; is pending.

As added by P.L.1-1997, SEC.11. Amended by P.L.200-1999, SEC.22.

IC 31-19-10

Chapter 10. Withdrawal of Consent to Adoption; Contest of Adoption

IC 31-19-10-1

Sec. 1. (a) A person contesting an adoption must file a motion to contest the adoption with the court not later than thirty (30) days after service of notice of the pending adoption.

(b) A person seeking to withdraw consent to an adoption must file a motion to withdraw consent to the adoption with the court.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.20.

IC 31-19-10-2

Sec. 2. A person seeking to withdraw consent to an adoption under section 3 of this chapter or contesting an adoption must give notice of intent to withdraw consent to or contest the adoption to the following persons:

(1) All parties to the adoption.

(2) A person whose consent to adoption is required by IC 31-19-9.

As added by P.L.1-1997, SEC.11.

IC 31-19-10-3

Sec. 3. A consent to adoption may not be withdrawn before the entry of the adoption decree unless:

(1) the court finds, after notice and opportunity to be heard afforded to the petitioner for adoption, that the person seeking the withdrawal is acting in the best interest of the person sought to be adopted; and

(2) the court orders the withdrawal.

As added by P.L.1-1997, SEC.11.

IC 31-19-10-4

Sec. 4. A consent to adoption may not be withdrawn after the entry of the adoption decree.

As added by P.L.1-1997, SEC.11.

IC 31-19-10-4.5

Sec. 4.5. The putative father of a child who is served with notice under IC 31-19-4 may contest the adoption in accordance with this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.21.

IC 31-19-10-5

YAMD.1997

Sec. 5. Whenever a motion to contest an adoption is filed, the court shall, before entering a decree under IC 31-19-11, set the matter for a hearing to contest the adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-10-6

Sec. 6. After hearing evidence at the hearing, the court shall:

(1) dismiss the petition for adoption if the court:

(A) finds that the person who filed the motion to contest the adoption has established that it is in the best interests of the child that the motion to contest the adoption be granted;

(B) finds that a required consent to adoption has not been obtained in writing or has not been implied under IC 31-19-9;

or

(C) permits a necessary consent to adoption to be withdrawn;

or

(2) deny the motion to contest the adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-10-7

Sec. 7. The court may:

(1) send all notices of the filing of a motion to contest an adoption; and

(2) conduct bifurcated hearings under this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-10-8

Sec. 8. A putative father is barred from establishing paternity under IC 31-14 if his motion to contest the adoption has been denied under this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-11

Chapter 11. Disposition of Petition for Adoption; Adoption Decree

IC 31-19-11-1

Sec. 1. (a) Whenever the court has heard the evidence and finds that:

- (1) the adoption requested is in the best interest of the child;
- (2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;
- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:
 - (A) IC 31-19-6 indicating whether a record of a paternity determination; or
 - (B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;has been filed in relation to the child;
- (7) proper consent, if consent is necessary, to the adoption has been given; and
- (8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c);

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the department's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery as a felony (IC 35-42-2-1).
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).

- (10) A felony sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
- (15) Child selling (IC 35-46-1-4(b)).
- (16) A felony involving a weapon under IC 35-47.
- (17) A felony relating to controlled substances under IC 35-48-4.
- (18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

As added by P.L.1-1997, SEC.11. Amended by P.L.257-1997(ss), SEC.38; P.L.200-1999, SEC.23.

IC 31-19-11-2

Sec. 2. If the child is a ward of:

- (1) a guardian;
- (2) an agency; or
- (3) an office of family and children;

the court shall provide for the custody of the child in the adoption decree.

As added by P.L.1-1997, SEC.11.

IC 31-19-11-3

Sec. 3. Upon receipt of a recommendation from the county office of family and children, if the petition for adoption contained a request for aid, regardless of whether the aid is given, the court shall state in the adoption decree the:

- (1) nature;
- (2) conditions; and
- (3) length of time during which aid shall be paid under IC 31-19-26.

As added by P.L.1-1997, SEC.11.

IC 31-19-11-4

Sec. 4. If a new name is requested in a petition for adoption, upon the entry of an adoption decree the child shall take the name requested.

As added by P.L.1-1997, SEC.11.

IC 31-19-11-5

Sec. 5. (a) If the court dismisses a petition for adoption, the court shall determine the person who should have custody of the child.

(b) If the court determines that it is necessary to change the child's custody to another person, regardless of the person's right to immediate

custody, the court may order a plan for a gradual change of custody to ease the child's transition unless the gradual change of custody would:

- (1) endanger the child's physical health; or
- (2) significantly impair the child's emotional development.
- (c) The court may do the following:
 - (1) Implement a change of custody under this section by gradually increasing the child's visitation with each person who is entitled to custody.
 - (2) Order counseling for the child and the persons involved in the change of custody so that a plan for the gradual change of custody may be developed and implemented.
 - (3) Consult with the counselor who assists the persons in developing the plan to determine an order for the gradual change of custody that meets the child's best interests.

As added by P.L.1-1997, SEC.11.

IC 31-19-11-6

Sec. 6. The court may hear and grant a petition for adoption even if an appeal of a decision regarding the termination of the parent-child relationship is pending.

As added by P.L.1-1997, SEC.11.

IC 31-19-12

Chapter 12. Record of Adoption

IC 31-19-12-1

Sec. 1. For each adoption and for each annulment or revocation of adoption decreed by an Indiana court, the clerk of the court shall prepare a record on a form prescribed and furnished by the state department of health. The record must include the following:

- (1) All facts necessary to:
 - (A) locate and identify the certificate of birth of the individual adopted; and
 - (B) establish a new certificate of birth for the individual adopted.
- (2) Official notice from the court of the fact of adoption, including identification of the court action and proceedings.

As added by P.L.1-1997, SEC.11.

IC 31-19-12-2

Sec. 2. (a) The official decree of each:

- (1) adoption; or
- (2) annulment or revocation of adoption;

that is provided to the clerk of the circuit court for the official order book record must set forth all pertinent information that is necessary to make possible the establishment of the birth records prescribed by section 1 of this chapter.

(b) The completion of the record is a prerequisite to the issuance of a certificate of final adoption by the court.

As added by P.L.1-1997, SEC.11.

IC 31-19-12-3

Sec. 3. Not later than the tenth day of each calendar month, the clerk of the court shall forward to the state department of health records of decrees of:

- (1) adoption; or
 - (2) annulment, revocation, or amendment of adoption;
- entered in the preceding month, together with related reports required by the state department of health.

As added by P.L.1-1997, SEC.11.

IC 31-19-12-4

Sec. 4. (a) When the state department of health receives from a court a record of:

- (1) adoption; or
- (2) annulment, revocation, or amendment of adoption;

for an individual born outside of Indiana, the state department of health shall forward the record to the appropriate registration authority.

(b) If the registration authority fails to supply a certificate of birth in the adoptive status after the expiration of ninety (90) days after the receipt of the record of adoption, the state department of health shall create a delayed registration record of birth in the adoptive status when requested.

As added by P.L.1-1997, SEC.11.

IC 31-19-13

Chapter 13. Establishment of New Birth Certificate Following Adoption

IC 31-19-13-1

Sec. 1. (a) Except as provided in subsection (b), the state department of health shall establish a new certificate of birth for an individual born in Indiana upon a receipt of an official report that the individual has been adopted.

(b) The state department of health shall not establish a new certificate of birth following an adoption if:

- (1) the court decreeing the adoption;
- (2) the adoptive parents; or
- (3) the adopted individual;

so requests.

(c) A new certificate of birth established under this section must show the actual place and date of birth.

As added by P.L.1-1997, SEC.11.

IC 31-19-13-2

Sec. 2. When a new certificate of birth is established following adoption, the new certificate of birth replaces the original registration of birth. The original registration of birth shall be filed with the evidence of adoption and withheld from inspection except:

- (1) for a child adopted by a stepparent; or
- (2) as provided in IC 31-19-17 through IC 31-19-24.

As added by P.L.1-1997, SEC.11.

IC 31-19-13-3

Sec. 3. Upon receipt of a notice of annulment or revocation of adoption, the original certificate of birth shall be restored.

As added by P.L.1-1997, SEC.11.

IC 31-19-13-4

Sec. 4. When the state department of health establishes a new certificate of birth following an adoption, each local health department in Indiana having custody of the replaced certificate of birth shall:

- (1) seal the replaced certificate from inspection; or
- (2) surrender the replaced certificate to the state department of health;

as the state department of health directs.

As added by P.L.1-1997, SEC.11.

IC 31-19-14

Chapter 14. Limitations on Direct or Collateral Attacks or Appeals of Adoption Decrees

IC 31-19-14-1

Sec. 1. An appeal of an adoption decree shall be decided on an expedited basis.

As added by P.L.1-1997, SEC.11.

IC 31-19-14-2

Sec. 2. Except as provided in section 3 of this chapter, if a person whose parental rights are terminated by the entry of an adoption decree challenges the adoption decree not more than the later of:

- (1) six (6) months after the entry of an adoption decree; or
- (2) one (1) year after the adoptive parents obtain custody of the child;

the court shall sustain the adoption decree unless the person challenging the adoption decree establishes, by clear and convincing evidence, that modifying or setting aside the adoption decree is in the child's best interests.

As added by P.L.1-1997, SEC.11.

IC 31-19-14-3

Sec. 3. (a) A person who consents to an adoption may not withdraw the consent to adoption after the entry of the adoption decree under IC 31-19-10-4.

(b) A person who is served with notice of an adoption under IC 31-19-4 may not:

- (1) contest the adoption; or
- (2) establish paternity;

more than thirty (30) days after the date of service of notice of the adoption.

(c) A person who receives actual notice of an adoption under IC 31-19-3 may not:

- (1) contest the adoption; or
- (2) establish paternity;

more than thirty (30) days after the date of receiving actual notice of the adoption.

(d) A person who is prohibited from taking action by subsection (a), (b), or (c) may not challenge an adoption decree.

As added by P.L.1-1997, SEC.11.

IC 31-19-14-4

Sec. 4. After the expiration of the period described in section 2 of this chapter, a person whose parental rights are terminated by the entry of an adoption decree may not challenge the adoption decree even if:

- (1) notice of the adoption was not given to the child's putative father; or
- (2) the adoption proceedings were in any other manner defective.

As added by P.L.1-1997, SEC.11.

IC 31-19-15**Chapter 15. Effect of Adoption on Parents****IC 31-19-15-1**

Sec. 1. Except as provided in section 2 of this chapter or IC 31-19-16, if the biological parents of an adopted person are alive, the biological parents are:

- (1) relieved of all legal duties and obligations to the adopted child; and
- (2) divested of all rights with respect to the child;

after the adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-15-2

Sec. 2. (a) If the adoptive parent of a child is married to a biological parent of the child, the parent-child relationship of the biological parent is not affected by the adoption.

(b) After the adoption, the adoptive father or mother, or both:

- (1) occupy the same position toward the child that the adoptive father or the adoptive mother, or both, would occupy if the adoptive father or adoptive mother, or both, were the biological father or mother; and
- (2) are jointly and severally liable for the maintenance and education of the person.

As added by P.L.1-1997, SEC.11.

IC 31-19-16

Chapter 16. Postadoption Visitation Privileges

IC 31-19-16-1

Sec. 1. At the time an adoption decree is entered, the court entering the adoption decree may grant postadoption contact privileges under section 2 of this chapter to a birth parent who has:

- (1) consented to the adoption; or
- (2) voluntarily terminated the parent-child relationship.

As added by P.L.1-1997, SEC.11. As amended by P.L.196-1997, SEC.4.

IC 31-19-16-2

Sec. 2. A court may grant postadoption contact privileges if:

- (1) the court determines that the best interests of the child would be served by granting postadoption contact privileges;
- (2) the child is at least two (2) years of age and the court finds that there is a significant emotional attachment between the child and the birth parent;
- (3) each adoptive parent consents to the granting of postadoption contact privileges;
- (4) the adoptive parents and the birth parents:
 - (A) execute a postadoption contact agreement; and
 - (B) file the agreement with the court;
- (5) the licensed child placing agency sponsoring the adoption and the child's court appointed special advocate or guardian ad litem appointed under IC 31-32-3 recommends to the court the postadoption contact agreement, or if there is no licensed child placing agency sponsoring the adoption, the county office of family and children or other agency that prepared an adoption report under IC 31-19-8-5 is informed of the contents of the postadoption contact agreement and comments on the agreement in the agency's report to the court;
- (6) consent to postadoption contact is obtained from the child if the child is at least twelve (12) years of age; and
- (7) the postadoption contact agreement is approved by the court.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.5.

IC 31-19-16-3

Sec. 3. A postadoption contact agreement filed under section 2(4) of this chapter must contain the following provisions:

- (1) An acknowledgment by the birth parents that the adoption is irrevocable, even if the adoptive parents do not abide by the postadoption contact agreement.
- (2) An acknowledgment by the adoptive parents that the agreement grants the birth parents the right to seek to enforce the postadoption privileges set forth in the agreement.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.6.

IC 31-19-16-4

Sec. 4. A birth parent or an adoptive parent may file a petition with the court entering the adoption decree for the following purposes:

- (1) To modify the postadoption contact agreement.
- (2) To compel a birth parent or an adoptive parent to comply with the postadoption contact agreement.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.7.

IC 31-19-16-5

Sec. 5. The court may not award monetary damages as a result of the filing of a petition under section 4 of this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-16-6

Sec. 6. (a) The court may void or modify a postadoption contact agreement approved under this chapter at any time before or after the adoption if the court determines after a hearing that the best interest of the child requires the voiding or modifying of the agreement.

(b) Before the court:

- (1) voids or modifies an agreement; or
- (2) hears a motion to compel compliance with an agreement approved under this chapter;

the court may appoint a guardian ad litem or court appointed special advocate under IC 31-32-3 to represent and protect the best interests of the child.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.8.

IC 31-19-16-7

Sec. 7. The provisions of IC 31-32-3 concerning the:

- (1) representation;
- (2) duties;
- (3) liabilities; and
- (4) appointment;

of a guardian ad litem or court appointed special advocate apply to proceedings under this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-16-8

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Sec. 8. A court may not revoke an adoption decree because a birth parent or an adoptive parent fails to comply with a postadoption contact agreement approved by a court under this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.9.

IC 31-19-16-9

IC 31-19-16-9 Sec. 9. Postadoption contact privileges are permissible without court approval in an adoption of a child who is less than two (2) years of age upon the agreement of the adoptive parents and a birth parent. However, postadoption contact privileges under this section may not include visitation. A postadoption contact agreement under this section:

- (1) is not enforceable; and

(2) does not affect the finality of the adoption.
As added by P.L. 196-1997, SEC.10. Amended by P.L. 2-1998, SEC.76.

IC 31-19-16.5

Chapter 16.5. Postadoption Sibling Contact

IC 31-19-16.5-1

Sec. 1. At the time an adoption decree is entered, the court entering the decree may order the adoptive parents to provide specific postadoption contact for an adopted child who is at least two (2) years of age with a pre-adoptive sibling if:

- (1) the court determines that the postadoption contact would serve the best interests of the adopted child; and
- (2) each adoptive parent consents to the court's order for postadoption contact privileges.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-2

Sec. 2. In making its determination under section 1 of this chapter, the court shall consider any relevant evidence, including the following:

- (1) A recommendation made by a licensed child placing agency sponsoring the adoption.
- (2) A recommendation made by the adopted child's court appointed special advocate or guardian ad litem.
- (3) A recommendation made by the county office of family and children or other agency that prepared a report of its investigation and its recommendation as to the advisability of the adoption under IC 31-19-8-5.
- (4) Wishes expressed by the adopted child or adoptive parents.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-3

Sec. 3. If postadoption contact is ordered under this chapter, the adoption is irrevocable even if the adoptive parents do not abide by the postadoption contact order.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-4

Sec. 4. The following persons may file a petition requesting that the court vacate or modify a postadoption contact order with a pre-adoptive sibling or to compel an adoptive parent to comply with the postadoption contact order:

- (1) A pre-adoptive sibling by:
 - (A) next friend; or
 - (B) guardian ad litem or court appointed special advocate.
- (2) The adopted child by:
 - (A) next friend; or
 - (B) guardian ad litem or court appointed special advocate as described in section 5 of this chapter.
- (3) An adoptive parent.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-5

IC 31-19-16.5-5 Sec. 5. The court may vacate or modify a postadoption contact order entered under this chapter at any time after the adoption if the court determines, after a hearing, that it is in the best interests of the adopted child. Before hearing the petition to:

(1) vacate or modify; or

(2) compel compliance with;

the postadoption contact order, the court may appoint a guardian ad litem or court appointed special advocate to represent and protect the best interests of the adopted child. However, the court may only appoint a guardian ad litem or court appointed special advocate for the adopted child under this chapter if the interests of an adoptive parent differ from the child's interests to the extent that the court determines that the appointment is necessary to protect the best interests of the child.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-6

Sec. 6. The provisions regarding the representation, duties, and appointment of a guardian ad litem or court appointed special advocate by a juvenile court described under IC 31-32-3 apply to postadoption contact proceedings under this chapter.

As added by P.L.196-1997, SEC.11.

IC 31-19-16.5-7

Sec. 7. The court may not:

(1) award monetary damages; or

(2) revoke an adoption decree;

if the court finds that a postadoption contact order entered under this chapter has been violated.

As added by P.L.196-1997, SEC.11.

IC 31-19-17

Chapter 17. Preparation of Adoption History for Adoptive Parents

IC 31-19-17-1

Sec. 1. This chapter applies only to an adoption that is granted after June 30, 1993.

As added by P.L.1-1997, SEC.11.

IC 31-19-17-2

Sec. 2. A person, a licensed child placing agency, or a county office of family and children placing a child for adoption shall prepare a report summarizing the available medical, psychological, and educational records of the person or agency concerning the birth parents. The person, agency, or county office shall exclude from this report information that would identify the birth parents. The person, agency, or county office shall give the report to the adoptive parents:

- (1) not later than the time the child is placed with the adoptive parents; or
- (2) with the consent of the adoptive parents, not more than thirty (30) days after the child is placed with the adoptive parents.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.22.

IC 31-19-17-3

Sec. 3. The person, licensed child placing agency, or county office of family and children shall:

- (1) exclude information that would identify the birth parents; and
- (2) release all available social, medical, psychological, and educational records concerning the child to the adoptive parent.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.23.

IC 31-19-17-4

Sec. 4. The person, licensed child placing agency, or county office of family and children shall provide the adoptive parent with a summary of other existing social, medical, psychological, and educational records concerning the child of which the person, agency, or county office has knowledge but does not have possession. If requested by an adoptive parent, the person, agency, or county office shall attempt to provide the adoptive parent with a copy of any social, medical, psychological, or educational record that is not in the possession of the person, agency, or county office after identifying information has been excluded.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.24.

IC 31-19-18

Chapter 18. Establishment of Adoption History Program Administered by State Registrar; Adoption History Fund

IC 31-19-18-1

Sec. 1. The state registrar shall administer the adoption history program provided for in this chapter and IC 31-19-19 through IC 31-19-23.

As added by P.L.1-1997, SEC.11.

IC 31-19-18-2

Sec. 2. (a) The following persons may transmit identifying information and nonidentifying information to the state registrar for inclusion with the adoption history:

- (1) An adoptee who is an adult.
- (2) A birth parent.
- (3) An adoptive parent.
- (4) A pre-adoptive sibling.
- (5) The spouse or relative of a deceased adoptee if the relationship existed at the time of the adoptee's death.
- (6) The spouse or relative of a deceased birth parent if the relationship existed at the time of the birth parent's death.

(b) The state registrar shall store all information received under this section in a manner that is readily recoverable.

(c) Any transmission of information received under this section must include an affirmation by the person that:

- (1) the information is true or that the person believes the information to be true; and
- (2) the person is a person described in subsection (a).

As added by P.L.1-1997, SEC.11.

IC 31-19-18-3

Sec. 3. (a) Any person may voluntarily transmit medical information to the state registrar for inclusion with the medical history.

(b) The state registrar shall store all information received under this section in a manner that makes the information readily recoverable.

(c) Any transmission of voluntary information must include an affirmation by the person that:

- (1) the information is true; or
- (2) the person believes the information is true.

As added by P.L.1-1997, SEC.11.

IC 31-19-18-4

Sec. 4. (a) The state registrar shall publicize the availability of the adoption history information, including the availability of the information under:

- (1) this chapter and IC 31-19-19 through IC 31-19-24; and
- (2) IC 31-19-25.

(b) The state registrar's publicity efforts must include periodic public service announcements regarding the availability of adoption history information.

As added by P.L.1-1997, SEC.11.

IC 31-19-18-5

Sec. 5. The state registrar:

- (1) may adopt rules under IC 4-22-2; and
 - (2) shall prescribe forms necessary;
- to implement this chapter and IC 31-19-19 through IC 31-19-24.

As added by P.L.1-1997, SEC.11.

IC 31-19-18-6

Sec. 6. (a) The adoption history fund is established for the purpose of carrying out this chapter and IC 31-19-19 through IC 31-19-24. The state registrar shall administer the fund.

(b) The expenses of administering the fund shall be paid from:

- (1) money in the fund; or
- (2) if revenues are insufficient, a supplemental appropriation.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.1-1997, SEC.11.

IC 31-19-18-7

Sec. 7. A person who knowingly transmits false information to an adoption history commits a Class A misdemeanor.

As added by P.L.1-1997, SEC.11.

IC 31-19-19

Chapter 19. Confidentiality Requirements for Adoption History and Other Adoption Records

IC 31-19-19-1

Sec. 1. (a) The following items are confidential:

- (1) A petition for adoption.
- (2) Reports of the investigation made under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal).
- (3) All other papers filed in connection with a petition for adoption.
- (4) The record of evidence of the hearing.
- (5) The decree made and entered by the court, including decrees in foreign adoptions filed under IC 31-19-28 (or IC 31-3-1-10 before its repeal).

(b) The files and records of the court pertaining to the adoption proceedings:

- (1) shall be kept in the custody of the clerk of the court; and
- (2) are not open to inspection, except as provided in IC 31-19-13-2(2).

As added by P.L.1-1997, SEC.11.

IC 31-19-19-2

Sec. 2. (a) All files and records pertaining to the adoption proceedings in:

- (1) the county office of family and children;
- (2) the division of family and children; or
- (3) any of the licensed child placing agencies;

are confidential and open to inspection only as provided in IC 31-19-13-2(2) or IC 31-19-25.

(b) The files and records described in subsection (a), including investigation records under IC 31-19-8-5 (or IC 31-3-1-4 before its repeal):

- (1) are open to the inspection of the court hearing the petition for adoption; and
- (2) on order of the court, may be:
 - (A) introduced into evidence; and
 - (B) made a part of the record;in the adoption proceeding.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.25.

IC 31-19-19-3

Sec. 3. Notwithstanding any other law, the information located in the adoption history may not be disclosed under:

- (1) IC 5-14-3; or
- (2) any freedom of information:
 - (A) legislation;
 - (B) rules; or
 - (C) practice.

As added by P.L.1-1997, SEC.11.

IC 31-19-19-4

Sec. 4. All papers, records, and information pertaining to the adoption, whether part of:

- (1) the permanent record of the court; or
- (2) a file in:
 - (A) the division of vital records;
 - (B) the division of family and children or county office of family and children;
 - (C) a licensed child placing agency; or
 - (D) a professional health care provider (as defined in IC 34-6-2-117);

are confidential and may be disclosed only in accordance with this chapter or IC 31-19-25.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.159.

IC 31-19-19-5

Sec. 5. (a) An employer or any person administering adoption records who recklessly, knowingly, or intentionally:

- (1) discloses any confidential information relating to any adoption except as provided in:
 - (A) this chapter or IC 31-19-20 through IC 31-19-24; or
 - (B) IC 31-19-25; or

(2) allows an employee to disclose any confidential information relating to any adoption except as provided in this chapter; commits a Class A misdemeanor.

(b) If a public employee commits a violation described in subsection (a), the violation is cause for discharge.

As added by P.L.1-1997, SEC.11.

IC 31-19-20

Chapter 20. Release of Medical History Information

IC 31-19-20-1

Sec. 1. The state registrar:

- (1) shall release a copy of the medical history to any interested person;
- (2) may release a copy of the medical history to any person who satisfies the registrar that the person has a legitimate need; and
- (3) shall supplement the medical history with medical information received from any person.

As added by P.L.1-1997, SEC.11.

IC 31-19-20-2

Sec. 2. (a) Whenever the state registrar receives an inquiry for medical history information from an adoptee or adoptive parent and the state registrar reasonably believes that the medical history information available under section 1 of this chapter is incomplete, the state registrar shall request further medical history information concerning the adoptee from:

- (1) the hospital where the adoptee was born; and
- (2) the:
 - (A) licensed child placing agency;
 - (B) county office of family and children; and
 - (C) attorney;

that arranged the adoptee's adoptive placement.

(b) A hospital, a licensed child placing agency, a county office of family and children, or an attorney that receives a request for medical information under subsection (a) shall release medical history information concerning the adoptee to the state registrar.

(c) The state registrar shall release any additional medical history information received under subsection (b) to the adoptee or adoptive parent.

As added by P.L.1-1997, SEC.11. Amended by P.L.197-1997, SEC.26.

IC 31-19-20-3

Sec. 3. (a) The state department of health may charge a reasonable fee for the state registrar's search for further medical history information under section 2(a) of this chapter or death certificates.

(b) Fees collected under this section shall be deposited in the adoption history fund established by IC 31-19-18-6 and must be used for the automation of adoption history information and death certificates and for improved service delivery.

As added by P.L.1-1997, SEC.11.

IC 31-19-20-4

Sec. 4. IC 31-19-19, this chapter, and IC 31-19-21 through IC 31-19-24 do not restrict a provider (as defined in IC 16-18-2-295) from releasing medical records to an attorney or agency arranging an adoption if the provider receives the appropriate authorization under IC 16-39-1.

As added by P.L.1-1997, SEC.11.

IC 31-19-21

Chapter 21. Consent to Release of Identifying Information

IC 31-19-21-1

Sec. 1. (a) A person who has transmitted identifying or nonidentifying information under IC 31-19-18-2 may consent to the release of identifying information concerning the person in a signed writing.

(b) The consent described in subsection (a) must identify the persons to whom the information may be released.

As added by P.L.1-1997, SEC.11.

IC 31-19-21-2

Sec. 2. A consent made under this chapter (or IC 31-3-4-27 before its repeal) may be:

(1) withdrawn; or

(2) modified;

in a signed writing.

As added by P.L.1-1997, SEC.11.

IC 31-19-21-3

Sec. 3. A holder of information that receives a consent made under this chapter (or IC 31-3-4-27 before its repeal) may release identifying and nonidentifying information only in conformity with:

(1) the last version of the consent filed with the holder; and

(2) IC 31-19-22.

As added by P.L.1-1997, SEC.11.

IC 31-19-21-4

Sec. 4. A consenting person may restrict the consent to the release of the information only after the consenting person's death. The holder of the information may release the information in conformity with the consent only if proof of the consenting person's death is submitted to the holder.

As added by P.L.1-1997, SEC.11.

IC 31-19-21-5

Sec. 5. The state registrar may contact a person who submits a written consent under this chapter that is:

(1) incompletely; or

(2) inaccurately;

executed to inform the person regarding the error in the execution of the consent form.

As added by P.L.1-1997, SEC.11.

IC 31-19-21-6

Sec. 6. The following persons shall provide for the storage and indexing of consents made under this chapter to carry out IC 31-19-22:

(1) The state registrar.

(2) The division of family and children.

(3) County offices of family and children.

(4) Licensed child placing agencies.

(5) Professional health care providers (as defined in IC 34-6-2-117).

(6) Courts.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.160.

IC 31-19-22

Chapter 22. Release of Identifying Information

IC 31-19-22-1

Sec. 1. This chapter applies to the release of identifying information. However, this chapter does not apply to the release of identifying information to an adult adoptee whose adoption is finalized after December 31, 1993.

As added by P.L.1-1997, SEC.11.

IC 31-19-22-2

Sec. 2. The state registrar, the division of family and children, a county office of family and children, a licensed child placing agency, a professional health care provider (as defined in IC 34-6-2-117), and a court shall release identifying information in the entity's possession only if:

- (1) the information is requested by a person described in IC 31-19-18-2(a); and
- (2) the following persons have submitted a written consent under IC 31-19-21 (or IC 31-3-4-27 before its repeal) to the state registrar that allows the release of identifying information to the person requesting the information:

(A) The adult adoptee.

(B) A birth parent.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.161.

IC 31-19-22-3

Sec. 3. The consent of a birth parent is not required for release of information under this chapter if an affidavit is submitted to the releasing agency that avers that each birth parent who is named on the adoptee's original birth certificate is deceased.

As added by P.L.1-1997, SEC.11.

IC 31-19-22-4

Sec. 4. Whenever an adoptee or a birth parent submits a written consent for release of identifying information under IC 31-19-21 (or IC 31-3-4-27 before its repeal), the state registrar may search the death certificates in the state registrar's possession regarding the related adoptee or a birth parent:

- (1) who has not submitted a consent for the release of information under IC 31-19-21; and
- (2) whose consent is necessary before identifying information may be released to the adoptee or birth parent who has submitted the written consent.

As added by P.L.1-1997, SEC.11.

IC 31-19-22-5

Sec. 5. An adoptee or a birth parent who submits a written request for the release of identifying information under IC 31-19-21 may request that the state registrar search the death certificates in the state registrar's possession dating back to any period specified by the

adoptive or birth parent.
As added by P.L.1-1997, SEC.11.

IC 31-19-22-6

Sec. 6. If, upon searching the death certificates under section 4 of this chapter, the state registrar finds that the adoptive or birth parent who has not yet submitted a written consent is deceased, the state registrar shall inform the related adoptive or birth parent who submitted the written consent under IC 31-19-21 (or IC 31-3-4-27 before its repeal), of the death and:

- (1) may not release identifying information if additional consent is required by this chapter; and
- (2) may release identifying information if additional consent is not required by this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-22-7

Sec. 7. An adoptive or a birth parent who submits a written consent for the release of identifying information under IC 31-19-21 (or IC 31-3-4-27 before its repeal), may contact the:

- (1) attorney;
- (2) licensed child placing agency; or
- (3) county office of family and children;

who arranged the adoption to request that the attorney, agency, or county office of family and children contact the adoptive or birth parent whose consent is necessary before identifying information may be released under this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-22-8

Sec. 8. An attorney, a licensed child placing agency, or a county office of family and children who contacts an adoptive or a birth parent upon a request under section 7 of this chapter may not disclose identifying information. However, the attorney, agency, or county office of family and children may inform the adoptive or the birth parent regarding the fact that an adoptive or a birth parent has consented to the release of identifying information under IC 31-19-21 (or IC 31-3-4-27 before its repeal). The attorney, licensed child placing agency, or county office of family and children may inquire as to whether the adoptive or birth parent, whose consent is still needed before identifying information may be released, is interested in participating in the adoption registry under IC 31-19-18 through IC 31-19-21, this chapter, and IC 31-19-23 through IC 31-19-24.

As added by P.L.1-1997, SEC.11.

IC 31-19-22-9

Sec. 9. An attorney, a licensed child placing agency, or a county office of family and children may charge a reasonable fee for services performed or actual expenses incurred under section 8 of this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-22-10

Sec. 10. This chapter does not prohibit an adoptee who is at least twenty-one (21) years of age from having access to identifying information as provided by IC 31-19-25.

As added by P.L.1-1997, SEC.11.

IC 31-19-22-11

Sec. 11. Licensed child placing agencies and professional health care providers may charge a reasonable fee for actual expenses incurred to comply with this chapter and IC 31-19-23.

As added by P.L.1-1997, SEC.11.

IC 31-19-23

Chapter 23. Release of Nonidentifying Information

IC 31-19-23-1

Sec. 1. The following persons shall release nonidentifying information concerning an adoption in the entity's possession to any person described in IC 31-19-18-2(a) upon request:

- (1) The state registrar.
- (2) The division of family and children.
- (3) A county office of family and children.
- (4) A licensed child placing agency.
- (5) A professional health care provider (as defined in IC 34-6-2-117).
- (6) The attorney who arranged the adoption.
- (7) A court.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.162.

IC 31-19-23-2

Sec. 2. (a) This section applies to an adopted child if:

- (1) the county office of family and children; or
- (2) the prosecuting attorney;

has filed a petition alleging that the child is a child in need of services under or IC 31-34-1.

(b) The:

- (1) county office of family and children;
 - (2) child's guardian ad litem or court appointed special advocate;
- and
- (3) juvenile court;

may have access to nonidentifying adoption information regarding the child.

As added by P.L.1-1997, SEC.11.

IC 31-19-24

Chapter 24. Court Proceeding to Request Release of Adoption History Information Not Available From State Registrar

IC 31-19-24-1

Sec. 1. (a) Any interested person may file a petition with any court with probate jurisdiction in Indiana requesting the release of:

- (1) medical information;
- (2) nonidentifying information; or
- (3) identifying information;

that is not available through the state registrar.

(b) The contents of a petition must include to the best knowledge of the petitioner the following:

- (1) The full name and current address of the petitioner.
- (2) The adopted person's:
 - (A) full name;
 - (B) sex;
 - (C) date of birth;
 - (D) place of birth, if known; and
 - (E) current address, if known.
- (3) The county of the adoption proceeding, if known.
- (4) The name and address of the agency that placed the adopted person, if known.
- (5) The full name and current address of the petitioners for adoption, if any.
- (6) The date of the adoption proceeding, if known.
- (7) The full name and current address of the birth parents, if known.
- (8) The nature of the:
 - (A) medical;
 - (B) identifying; or
 - (C) nonidentifying;information being sought.
- (9) An affirmation:
 - (A) by an attending physician, if medical information is sought, that indicates:
 - (i) the nature of the illness;
 - (ii) that the illness is believed to be hereditary or congenital; or
 - (iii) why the information to be sought or shared is necessary for diagnosis or treatment of any person;
 - (B) by the petitioner, if medical, identifying, or nonidentifying information is sought, that sets forth the reasons why the release of the information may be beneficial to the welfare of the adoptee or birth parent; and
 - (C) that the medical, identifying, or nonidentifying information sought is not available through the state registrar.

(10) A statement by the petitioner that the petitioner agrees to the payment of:

- (A) a reasonable fee for the services of a confidential intermediary if a confidential intermediary is appointed under

section 2 of this chapter; and

(B) reasonable fees and any actual expenses of an attorney, a child placing agency, or a professional health care provider (as defined in IC 34-6-2-117) that is requested to search its records and release information under sections 2 through 11 of this chapter.

(11) A description of the medical, identifying, or nonidentifying information being sought.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.12; P.L.1-1998, SEC.163.

IC 31-19-24-2

Sec. 2. Upon the filing of a petition under section 1 of this chapter, the court shall:

(1) establish that the state registrar:

(A) has been served with notice of the petitioner's request for disclosure of information; and

(B) has been afforded the opportunity to respond to the petitioner's request for disclosure of information; and

(2) appoint a confidential intermediary after consultation with the state registrar or the state registrar's designee if the:

(A) requirements of subdivision (1) are complied with; and

(B) petitioner has shown:

(i) an emergency medical need; or

(ii) good cause relating to the welfare of the adoptee or the birth parent.

A confidential intermediary appointed under subdivision (2) may be any person who the court reasonably believes is competent to carry out the responsibilities described in section 3 of this chapter and meets the qualifications under section 14 of this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.13.

IC 31-19-24-3

Sec. 3. Whenever the court appoints a confidential intermediary under section 2(2) of this chapter, the court shall do the following:

(1) Consider:

(A) the highly emotional and personal issues relating to adoption;

(B) the privacy rights of both birth parents and adoptees;

(C) the reasons the medical, identifying, or nonidentifying information is being sought under section 1 of this chapter; and

(D) any irreparable harm to a birth parent, an adoptee, or both that may arise if appropriate consideration is not given to the issues described in clauses (A) through (C).

(2) Provide the confidential intermediary with an order authorizing the confidential intermediary to search certain records that may include:

(A) the division of public health statistics;

(B) the division of family and children or county office of family and children;

- (C) any licensed child placing agency; or
- (D) any professional health care provider (as defined in IC 34-6-2-117).

An order under this subdivision must specify the information to be sought by the confidential intermediary.

(3) Specify the direct contact, if any, that a confidential intermediary may have with any person from whom the medical, identifying, or nonidentifying information is being sought, such as providing that the confidential intermediary may only inform the person of the existence of the adoption history program administered by the state registrar under this chapter and IC 31-19-25.

(4) Specify the limitations, if any, that the court considers necessary to prevent the confidential intermediary's search under this chapter from resulting in harm to a birth parent or an adoptee.

(5) Require the confidential intermediary to affirm under oath that the confidential intermediary agrees to act in good faith and perform its responsibilities in accordance with sections 2 through 11 of this chapter.

(6) Instruct the confidential intermediary to act as quickly as possible.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.14; P.L.1-1998, SEC.164.

IC 31-19-24-4

Sec. 4. The confidential intermediary shall:

- (1) make complete and reasonable efforts to locate the medical, identifying, or nonidentifying information;
- (2) attempt to locate any person necessary to obtain the medical, identifying, or nonidentifying information;
- (3) inform the person contacted of the medical or other need set forth by the petitioner; and
- (4) obtain the needed medical, identifying, or nonidentifying information.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.15.

IC 31-19-24-5

Sec. 5. The confidential intermediary may charge a reasonable fee for the cost of making a search under section 4 of this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.16.

IC 31-19-24-6

Sec. 6. All communications under this chapter are confidential, and any communication shall be made by a personal contact by the confidential intermediary.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.17.

IC 31-19-24-7

Sec. 7. Information released to the confidential intermediary under this chapter shall be filed with the court in a manner designed to:

- (1) protect the identity and current location of the person releasing

the information; and

(2) preserve the confidentiality of the medical, identifying, or nonidentifying information that the confidential intermediary obtains.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.18.

IC 31-19-24-8

Sec. 8. (a) If a person does not agree to release medical, identifying, or nonidentifying information through the confidential intermediary, the court may order the release of the requested medical, identifying, or nonidentifying information after considering any information regarding the person's refusal to release the requested information to the confidential intermediary.

(b) If the court orders the release of the information under this section, the court, upon receipt of the court ordered information, shall follow the procedures described under section 10 of this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.19.

IC 31-19-24-9

Sec. 9. (a) Whenever a confidential intermediary obtains information under this chapter, the confidential intermediary shall submit to the court:

(1) a written report; and

(2) any supporting documents;

describing the information obtained by the confidential intermediary.

(b) The information that the confidential intermediary submits to the court under this section:

(1) is confidential; and

(2) may be released to the petitioner only upon a court order under section 10 of this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.20.

IC 31-19-24-10

Sec. 10. The court shall review the medical, identifying, or nonidentifying information submitted under section 9 of this chapter. The court may order the release of the information to the petitioner under this section to the extent that the court determines is just based upon the emergency medical need or good cause shown under section 2(2)(B) of this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-24-11

Sec. 11. If an imminent threat of death or serious bodily injury exists, the court may conduct the proceedings authorized by this chapter without written pleadings.

As added by P.L.1-1997, SEC.11.

IC 31-19-24-12

Sec. 12. (a) A confidential intermediary discharging in good faith the confidential intermediary's responsibilities under this chapter is immune from all civil and criminal liability that otherwise might result.

(b) The provisions regarding the representations, duties, and appointment of a guardian ad litem or court appointed special advocate described under IC 31-32-3 apply to a confidential intermediary appointed under this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.196-1997, SEC.21.

IC 31-19-24-13

Sec. 13. All hearings held in proceedings under this chapter shall be held in closed court without admittance of any person other than:

- (1) essential officers of the court;
- (2) the parties;
- (3) witnesses;
- (4) counsel;
- (5) persons who have not previously consented to the adoption but are required to consent to the adoption; and
- (6) representatives of the agencies present to perform their official duties.

As added by P.L.1-1997, SEC.11.

IC 31-19-24-14

Sec. 14. A court may only appoint a person to serve as a confidential intermediary under this chapter if the person:

- (1) agrees to abide by the order of the court under section 3 of this chapter without advocating either the opening or maintaining the confidentiality of adoption records;
- (2) does not have a personal relationship with either the petitioner or the person from whom the medical, identifying, or nonidentifying information is being sought; and
- (3) agrees to comply with the limitations set by the court in searching for the information specified by the court under section 3(4) of this chapter.

As added by P.L.196-1997, SEC.22.

IC 31-19-24-15

Sec. 15. A person who knowingly or intentionally releases information in violation of sections 2 through 11 of this chapter commits a Class A misdemeanor.

As added by P.L.196-1997, SEC.23.

IC 31-19-24-16

Sec. 16. Failure of the confidential intermediary appointed under this chapter to comply with a court order under sections 2 through 11 of this chapter is punishable as contempt of court.

As added by P.L.196-1997, SEC.24. Amended by P.L.2-1998, SEC.77.

IC 31-19-25

Chapter 25. Release of Identifying Information For Adoptions Filed After December 31, 1993; Requests for Information Concerning Pre-Adoptive Siblings

IC 31-19-25-1

Sec. 1. This chapter applies to adoptions that are filed after December 31, 1993.

As added by P.L.1-1997, SEC.11.

IC 31-19-25-2

Sec. 2. (a) An adoptee who is at least twenty-one (21) years of age may request identifying information by submitting a written request to the state registrar.

(b) Except as provided in sections 3 through 10 of this chapter, upon a request for the release of identifying information under subsection

(a):

- (1) the state registrar;
- (2) the division of family and children;
- (3) a county office of family and children;
- (4) a licensed child placing agency;
- (5) a professional health care provider (as defined in IC 34-6-2-117);
- (6) the attorney who arranged the adoption; and
- (7) a court;

shall release identifying information in the possession of the registrar, agency, professional health care provider, or court to an adoptee.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.165.

IC 31-19-25-3

Sec. 3. (a) An adoptee's birth parent may restrict access to identifying information concerning the birth parent by filing a written nonrelease form with the state registrar that evidences the birth parent's lack of consent to the release of identifying information under this section.

(b) The following persons may not release any identifying information concerning the birth parent to the adoptee if a nonrelease form is in effect at the time of the request for identifying information:

- (1) The state registrar.
- (2) The division of family and children.
- (3) A county office of family and children.
- (4) A licensed child placing agency.
- (5) A professional health care provider.
- (6) A court.

(c) The nonrelease form filed under this section:

- (1) remains in effect during the period indicated by the person submitting the form;
- (2) is renewable; and
- (3) may be withdrawn at any time by the person who submitted the form.

As added by P.L.1-1997, SEC.11.

IC 31-19-25-4

Sec. 4. The state registrar shall prescribe the nonrelease form described in section 3 of this chapter. In prescribing the nonrelease form, the state registrar shall devise the form in a manner that indicates that the birth parent's lack of consent to the release of identifying information is to remain in effect for the time indicated by the birth parent. The form must:

- (1) contain a space in which the birth parent may check "yes" or "no" concerning whether the person submitting the form desires the state registrar to send notice to the birth parent's most recent address at the time that the form lapses in cases in which the birth parent has not chosen to prevent the nonrelease form from lapsing; and
- (2) indicate that the birth parent may choose to prevent the nonrelease form from lapsing.

As added by P.L.1-1997, SEC.11.

IC 31-19-25-5

Sec. 5. Except as provided under section 4 of this chapter, the state registrar shall mail a notice to a birth parent who submits a nonrelease form under section 3 of this chapter within ninety (90) days before the birth parent's nonrelease form lapses. The notice:

- (1) shall be mailed to the most recent address of the birth parent that has been supplied to the state registrar; and
- (2) must indicate:
 - (A) the date upon which the form is to lapse; and
 - (B) that the nonrelease form is renewable.

As added by P.L.1-1997, SEC.11.

IC 31-19-25-6

Sec. 6. An adoptee who is at least twenty-one (21) years of age or a pre-adoptive sibling who is at least twenty-one (21) years of age may submit a written request to the state registrar:

- (1) stating an interest in being reunited with any pre-adoptive siblings; and
- (2) authorizing the state registrar to release the name and present location of the person submitting the request to any pre-adoptive siblings who make similar inquiries.

As added by P.L.1-1997, SEC.11.

IC 31-19-25-7

Sec. 7. (a) If:

- (1) an adoptee who is at least twenty-one (21) years of age; or
- (2) a pre-adoptive sibling who is at least twenty-one (21) years of age;

expresses a desire to be reunited with a pre-adoptive sibling under section 6 of this chapter, the state registrar shall determine whether the requesting person's pre-adoptive sibling has made a similar inquiry.

(b) If the pre-adoptive sibling has previously authorized a release of information concerning the sibling's identity under section 6 of this chapter, the state registrar shall release the pre-adoptive sibling's name

and present location to each requesting person.
As added by P.L.1-1997, SEC.11.

IC 31-19-25-8

Sec. 8. (a) If an adoptee who is at least twenty-one (21) years of age or a pre-adoptive sibling who is at least twenty-one (21) years of age submits a written request to be reunited with a pre-adoptive sibling under section 6 of this chapter but the pre-adoptive sibling has not made a similar inquiry, the state registrar shall:

- (1) search the sealed adoption records for information concerning the pre-adoptive sibling; and
- (2) if possible, contact and advise the sibling of the request unless the sibling is less than twenty-one (21) years of age.

(b) If the state registrar locates a sibling who is at least twenty-one (21) years of age, the contacted sibling shall make the final decision as to whether to release the sibling's name and present location to the requesting person.

(c) If the state registrar locates a sibling who is less than twenty-one (21) years of age, the state registrar shall contact the:

- (1) sibling's birth parents if the sibling has not been adopted; or
- (2) sibling's adoptive parents if the sibling has been adopted;

for the final determination regarding release of the sibling's name and present location to the requesting person.

(d) The state registrar shall notify the requesting person whenever a sibling has been located, but may not release information about the sibling's identity or present location without authorization under this section.

(e) If the sibling is deceased or cannot be identified or located under this section, the state registrar shall notify the requesting party, but may not release any information that would tend to identify the sibling.

(f) In an attempt to discover the identity and present location of a pre-adoptive sibling, the state registrar shall receive, upon request, any available adoptive information regarding the sibling's identity or location that is in the possession of any of the following:

- (1) The state division of vital records.
- (2) The county office of family and children.
- (3) A licensed child placing agency.
- (4) A professional health care provider (as defined in IC 34-6-2-117).

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.166.

IC 31-19-25-9

Sec. 9. (a) The adoptive parents of an adoptee who is less than twenty-one (21) years of age may submit a written request for information concerning the identity and present location of any pre-adoptive siblings of the adoptee.

(b) The state registrar shall release information concerning the name and present location of the pre-adoptive sibling to the adoptive parents if the pre-adoptive sibling submitted a written request authorizing the release of the information under section 6 of this chapter.

(c) If a mutual inquiry has not been made under section 6 of this

chapter, the state registrar shall do the following:

- (1) Perform the duties described by section 8 of this chapter.
- (2) Release information to the adoptive parents only to the extent that information may be released to a requesting person under section 8 of this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-25-10

Sec. 10. A request or consent submitted under section 6, 8, or 9 of this chapter may be withdrawn in a signed writing.

As added by P.L.1-1997, SEC.11.

IC 31-19-25-11

Sec. 11. The state registrar shall provide for the storage and indexing of requests and nonrelease forms under this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-25-12

Sec. 12. The state registrar may contact a person who submits a request form or nonrelease form that is incorrectly or incompletely executed to inform the person regarding the error in the execution of the form.

As added by P.L.1-1997, SEC.11.

IC 31-19-25-13

Sec. 13. (a) The following persons may charge a reasonable fee for actual expenses incurred in complying with this chapter:

- (1) A licensed child placing agency.
- (2) The court.
- (3) The division of family and children.
- (4) A county office of family and children.
- (5) A professional health care provider.
- (6) The state department of health, except as provided in subsection (b).

(b) The state department of health may not charge a fee for filing a nonrelease form under this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-25-14

Sec. 14. The state registrar:

- (1) may adopt rules under IC 4-22-2; and
 - (2) shall prescribe any forms necessary;
- to implement this chapter.

As added by P.L.1-1997, SEC.11.

IC 31-19-26

Chapter 26. Adoption Subsidies

IC 31-19-26-1

Sec. 1. (a) When a petition for adoption is filed seeking a subsidy and the payment of a subsidy is ordered by the court, the order must contain the following information:

- (1) Whether a subsidy will be paid under section 2 or 3 of this chapter, or both.
- (2) The amount of each subsidy to be paid.
- (3) If a subsidy will be paid under section 3 of this chapter, the condition or cause covered by the subsidy.
- (4) Any condition for the continued payment of a subsidy other than a requirement set forth in this chapter.

(b) The county office of family and children of the county responsible for foster care of an adoptive child may be ordered to pay either or both of the subsidies under this chapter to the adoptive parents or designated payees to the extent that money is available.

As added by P.L.1-1997, SEC.11.

IC 31-19-26-2

Sec. 2. The court may order the department to pay a subsidy for the support of the adoptive child in an amount not to exceed the monthly cost of care of the child in a foster family home if federal payments for adoption assistance under 42 U.S.C. 673 are not equal to the total monthly cost of care of the child in a foster family home.

As added by P.L.1-1997, SEC.11.

IC 31-19-26-3

Sec. 3. The court may order the department to pay a subsidy for the medical, surgical, hospital, and related expenses for an adoptive child due to the physical, mental, emotional, or medical condition of the child if:

- (1) the condition or the cause of the condition existed before the petition for adoption was filed; and
- (2) payments from insurance or public money to treat the condition or cause of the condition are not available to the adoptive child or adoptive parents.

As added by P.L.1-1997, SEC.11.

IC 31-19-26-4

Sec. 4. (a) Subject to subsection (b), the subsidies under sections 2 and 3 of this chapter continue:

- (1) until:
 - (A) the child becomes eighteen (18) years of age;
 - (B) the child becomes emancipated;
 - (C) the child dies;
 - (D) the child's adoption is terminated; or
 - (E) further order of court;whichever occurs first; and
- (2) although the adoptive parents leave the jurisdiction of the

court.

(b) The court may order a subsidy granted under this chapter to continue until the adoptive child becomes twenty-one (21) years of age. The court may issue an order under this subsection if:

- (1) the adoptive child files a petition for the order; and
- (2) the court determines that the child is enrolled in:
 - (A) a secondary school;
 - (B) a college or university; or
 - (C) a course of vocational training leading to gainful employment.

As added by P.L.1-1997, SEC.11.

IC 31-19-26-5

Sec. 5. (a) As a condition for continuation of the subsidies, the court shall require the adoptive parents to file a sworn report with the court, with an additional copy to be filed with the county office of family and children making the payments of aid, at least one (1) time each year, stating:

- (1) the location of the parents; and
- (2) the location and condition of the child.

(b) The court or the county office of family and children may request confirmation of the veracity of the report required by subsection (a) from any governmental agency that provides services in the area of Indiana in which the child resides. On the basis of the report or information received by the court indicating changed conditions, the court may:

- (1) continue;
- (2) increase;
- (3) reduce; or
- (4) discontinue;

the subsidy by order of the court.

As added by P.L.1-1997, SEC.11.

IC 31-19-26-6

Sec. 6. The subsidies under sections 2 and 3 of this chapter do not affect:

- (1) the legal status of the child; or
- (2) the rights and responsibilities of the adoptive parents as provided by law.

As added by P.L.1-1997, SEC.11.

IC 31-19-27

Chapter 27. Program for Adoption of Hard to Place Children

IC 31-19-27-1

Sec. 1. The division of family and children shall carry out a program to place hard to place children in suitable adoptive homes in cases in which restoration to the biological family is not possible or appropriate. *As added by P.L.1-1997, SEC.11.*

IC 31-19-27-2

Sec. 2. The division of family and children may:

- (1) delegate a part of the program to a county office of family and children; and
- (2) deliver a program service through a contract with another person.

As added by P.L.1-1997, SEC.11.

IC 31-19-27-3

Sec. 3. To carry out the program, the division of family and children may:

- (1) cooperate with adoption efforts with:
 - (A) other states; and
 - (B) the administrative unit in the United States Department of Health and Human Services that is established under 42 U.S.C. 5113;
- (2) exchange information with the:
 - (A) federal adoption and foster care data gathering and analysis system; and
 - (B) national adoption information exchange system;
- (3) conduct, directly or by grant to or contract with public or private nonprofit agencies or organizations, an education and training program on adoption, and prepare, publish, and disseminate, directly or by grant to or contract with public or private nonprofit agencies and organizations, to all:
 - (A) interested parties;
 - (B) public and private agencies and organizations, including hospitals, health care and family planning clinics, and social services agencies; and
 - (C) governmental bodies;information, education, and training materials regarding the children who are available for adoption, adoption, and adoption assistance programs;
- (4) provide directly, or by grant to or contract with public or private nonprofit agencies or organizations, including adoptive family groups and minority groups, technical assistance in planning, improving, developing, and carrying out programs and activities relating to adoption; and
- (5) encourage involvement of:
 - (A) corporations; and
 - (B) small businesses;

in supporting adoption as a positive family strengthening option,

including the establishment of adoption benefit programs for employees who adopt children.

As added by P.L.1-1997, SEC.11.

IC 31-19-27-4

Sec. 4. Money appropriated to the program does not revert to the state general fund at the end of the state fiscal year.

As added by P.L.200-1999, SEC.24.

IC 31-19-28

Chapter 28. Adoption Decrees in Foreign Jurisdictions

IC 31-19-28-1

Sec. 1. Whenever a person is adopted outside Indiana, under the laws of the state, territory, or country where the adoption took place:

(1) the adoption decree:

(A) when filed with the clerk of the court of any county in Indiana; and

(B) when entered upon the order book of the court in open session;

has the same force and effect as if the adoption decree were made in accordance with this article; and

(2) the adopted person:

(A) has the same rights; and

(B) is capable of taking by inheritance, upon the death of the adoptive parent, property located in Indiana;

as though the person had been adopted according to the laws of Indiana.

As added by P.L.1-1997, SEC.11.

IC 31-19-28-2

Sec. 2. Every decree of a court terminating parental rights issued by a court of any other jurisdiction within or outside the United States shall be recognized in Indiana so that the rights and obligations of the parties concerning matters within the jurisdiction of Indiana shall be determined as though the decree were issued by an Indiana court.

As added by P.L.1-1997, SEC.11.

IC 31-19-28-3

Sec. 3. Every consent to adoption taken in a jurisdiction outside Indiana that:

(1) is valid under the law in force in the state, territory, or country where the consent to adoption was taken; or

(2) would be valid if the consent to adoption had been taken in Indiana;

is a valid consent to an adoption.

As added by P.L.1-1997, SEC.11.

IC 31-19-28-4

Sec. 4. The court where an adoption proceeding is pending has jurisdiction over a person if the person's consent to the adoption taken outside Indiana includes a provision that the person giving the consent to adoption submits to the jurisdiction of the Indiana courts.

As added by P.L.1-1997, SEC.11.

IC 31-19-29

Chapter 29. Interstate Compacts on Adoption Assistance

IC 31-19-29-1

Sec. 1. (a) The general assembly finds that:

(1) Finding adoptive families for children, for whom state assistance is desirable pursuant to 42 U.S.C. 673, and assuring the protection of the interests of the children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state.

(2) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services takes place in other states.

(b) The purposes of this chapter are to:

(1) Authorize the division of family and children to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the division of family and children.

(2) Provide procedures for interstate children's adoption assistance payments, including medical payments.

As added by P.L.1-1997, SEC.11.

IC 31-19-29-2

Sec. 2. (a) The division of family and children is authorized to develop, participate in the development of, negotiate, and enter into one (1) or more interstate compacts on behalf of this state with other states to implement one (1) or more of the purposes set forth in this chapter. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

(b) For the purposes of this chapter, the term "state" shall mean a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of or administered by the United States.

(c) For the purposes of this chapter, the term "adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

(d) For the purposes of this chapter, the term "residence state" means the state of which the child is a resident by virtue of the residence of the adoptive parents.

As added by P.L.1-1997, SEC.11.

IC 31-19-29-3

Sec. 3. A compact entered into pursuant to the authority conferred by this chapter shall have the following content:

(1) A provision making it available for joinder by all states.

(2) A provision or provisions for withdrawal from the compact upon written notice to the parties, but with a period of one (1) year between the date of the notice and the effective date of the withdrawal.

(3) A requirement that the protections afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who on the effective date of the withdrawal are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode.

(4) A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance, and further, that any such agreement be expressly for the benefit of the adopted child and enforceable by the adoptive parents, and the state agency providing the adoption assistance.

(5) Such other provisions as may be appropriate to implement the proper administration of the compact.

As added by P.L.1-1997, SEC.11.

IC 31-19-29-4

Sec. 4. A compact entered into pursuant to the authority conferred by this chapter may contain provisions in addition to those required pursuant to section 3 of this chapter, as follows:

(1) Provisions establishing procedures and entitlements to medical, developmental, child care, or other social services for the child in accordance with applicable laws, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or the funds to defray part or all of the costs thereof.

(2) Such other provisions as may be appropriate or incidental to the proper administration of the compact.

As added by P.L.1-1997, SEC.11.

IC 31-19-29-5

Sec. 5. (a) A child with special needs resident in this state who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from this state upon the filing in the county office of family and children for the county in which the child resides of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with rules of the division of family and children the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.

(b) The division of family and children shall consider the holder of a medical assistance identification pursuant to this section as any other holder of a medical assistance identification under the laws of this state and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

(c) The division of family and children shall provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the division of family and

children for the coverage or benefits, if any, not provided by the residence state. To this end, the adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed therefor. However, there shall be no reimbursement for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents. The division of family and children shall adopt rules implementing this subsection. The additional coverages and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. Among other things, such rules shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.

(d) A person who submits any claim for payment or reimbursement for services or benefits pursuant to this section or makes any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading, or fraudulent commits a Class D felony.

(e) The provisions of this section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this state under which the other state provides medical assistance to children with special needs under adoption assistance agreements made by this state. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by this state shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

As added by P.L.1-1997, SEC.11.

IC 31-19-29-6

Sec. 6. Consistent with federal law, the division of family and children in connection with the administration of this chapter and any compact pursuant hereto shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980 (P.L.96-272), Title IV-E and Title XIX of the federal Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The division of family and children shall apply for and administer all relevant federal aid in accordance with law.

As added by P.L.1-1997, SEC.11.